

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.13264 of 2017

Arising Out of PS.Case No. -776 Year- 2016 Thana -MOTIHARI TOWN District-
EASTCHAMPARAN(MOTIHARI)

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Dharmshila Devi, Wife of Nand Kishore Singh, resident of Mohalla- New
Chandmari, Police Station- Motihari Town, District- East Champaran.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Roy

For the Opposite Party/s : Mr. Yogendra Kr. Singh (App)

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 29-03-2017 Heard the learned counsel for the petitioner and the

learned APP for the State.

The petitioner apprehends her arrest in connection
with Motihari Town P.S. Case No. 776 of 2016 instituted for
the offences punishable under Sections 406, 420 of the Indian
Penal Code and Section 138 of the N.I. Act.

The informant has alleged that he had entered into
an agreement for purchase of land from Dharmshila Devi and
her husband. He gave an amount of Rs. 20,000,00/- on different
dates as per the agreement but the vendor neither executed the
sale deed in spite of lapse of two years nor they returned the
money. A Panchayat was also convened and as per decision of
Panch, the accused persons gave a cheque for an amount of Rs.



20,000,00/- which was presented in bank. The said cheque could not be encashed due to insufficient fund. The accused persons have thus cheated the informant and committed breach of trust.

Learned counsel for the petitioner submits that the petitioner and her husband have already returned the entire amount as per account payee cheque and the informant has also made an endorsement to this effect on the reverse page of agreement paper. The petitioner is an old lady against whom no offence is made out under Section 138 of the N.I. Act or 406 of the Indian Penal Code as she did not issue any cheque in favour of informant.

The learned APP, on the other hand, opposed the submission.

Considering the nature of allegation and the fact that both the parties had entered into an agreement for purchase of land which is purely a civil dispute, facts and circumstances of the case, the anticipatory bail prayer is allowed. The petitioner, above named, in the event of arrest / surrender within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Motihari, East Champaran in connection with
Motihari Town P.S. Case No. 776 of 2016, subject to the
condition as laid down under Section 438(2) of the Code of
Criminal Procedure.

(Sanjay Kumar, J)

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