

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32633 of 2018

Arising Out of PS.Case No. -186 Year- 2018 Thana -DIGHA District- PATNA

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Annu Kumari, D/o Ajit Kumar Mishra, R/o Mohalla- Ramjichak Bata, P.S.-
Digha in the District of Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s	:	Mr. S. Ehteshamuddin, APP
For the Informant	:	Mr. Dr. Chandra Shekhar Anand, Advocate
		Mr. Sadashiv Tiwari, Advocate
		Mr. Sanjay, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

3 07-06-2018 Heard learned counsel for the petitioner, State and

the informant.

The petitioner is in custody in connection with Digha
P.S. Case No. 186 of 2018 for the offences under Sections 468,
406, 420, 120(B), 34 of the Indian Penal Code and Sections 66 and
67 of the Information Technology Act.

Learned counsel for the petitioner submits that the
petitioner, who is a lady, has clean antecedent. The petitioner was
apprehended on 07.04.2018 and, as such, she remained in custody
for two months. Learned counsel for the petitioner further submits
that the petitioner being a lady is entitled to special consideration
in terms of Section 437 of the Cr.P.C.



Learned counsel appearing on behalf of the State and informant vehemently opposed the prayer for bail.

Mr. Sanjay, learned counsel appearing on behalf of the informant submits that the petitioner is one of the instrumental in alluring the unemployed people in depositing amount in order to purchase machine and, as such, the petitioner does not deserve bail, as petitioner is party to the conspiracy.

Mr. Sadashiv Tiwari, learned advocate, who is also appearing on behalf of the alleged victim of the incident, opposes the prayer for bail of the petitioner. He also contends that the petitioner has allured the depositor and, as such, bail should not be granted to this petitioner.

From the First Information Report, it appears that none of the victim has lodged case against the company, in whose favour, the amount was deposited by the alleged victim including the informant.

The case was heard in the first half. When the counsel for the alleged victim submitted that deposit was made in the name of this petitioner and, as such, the petitioner does not deserve bail. The Court in order to facilitate the counsel for the alleged victim granted time and fixed the case after recess and when the case is heard after the recess, he failed to produce even a



chit of paper showing that any deposit was made in favour of this petitioner. Neither Mr. Sanjay nor Mr. Sadashiv Tiwari has been able to produce any document to indicate that any deposit was made in favour of this petitioner. This petitioner is only employee of the company.

Considering the fact that there is no deposit in the name of this petitioner and the fact that the petitioner has no criminal antecedent. In addition thereto the petitioner is a lady, she deserves special consideration and the Court is inclined to grant bail to the petitioner, therefore, the petitioner, named above, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Patna in connection with Digha P.S. case no. 186 of 2018.

(Anil Kumar Upadhyay, J)

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