

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30322 of 2018

Arising Out of PS.Case No. -461 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

- =====
1. Shadab Bano W/o Md. Rizwan @ Raja, R/o Mohalla- Ekmighat, P.S.- Bahadurpur, District- Darbhanga at present R/o Near IGIMS, Onkar Apartment , Sheikhpura Bagicha, P.S.- Shastrinagar, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashhar Mustafa, Advocate

For the Opposite Party/s : Mr. Bharat Lal, APP

For the Informant : Mr. Pankaj Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3/ 04-07-2018

Heard learned counsel for the petitioner and learned

APP for the State as well as counsel for the informant.

Petitioner apprehends her arrest in **Bahadurpur P.S. Case No.461 of 2017** instituted for the offence under Section(s) 406, 420, 467/34 Indian Penal Code.

It is alleged in the written report that informant was in need of land and was informed about the sale of land by one Jagdish Thakur. The informant along with his wife went to see the land in presence of this petitioner and other accused persons. Land was measured and consideration amount at the rate of Rs.19 lac per Kattha was finalized. Thereafter, the informant paid Rs.16 lac in cash and Rs.32.5 lac through RTGS to Abdullah Rahman



@ Sharique. All the accused persons, as named in the written report, misappropriated the money and did not execute sale deed.

Allegation against this petitioner is that co-accused, Abdullah Rahman @ Sharique, has transferred Rs.1,18,000/- from his account in the account of this petitioner.

Counsel for the petitioner submits that she is ready to return the amount of Rs.1,18,000/- alleged to have been transferred in her account from the account of Abdullah Rahman @ Sharique. Counsel for the petitioner has further submitted that she has no concern with the transaction between informant and other accused.

Counsel for the Informant submits that he is ready to accept the aforesaid amount.

In view of such, this anticipatory bail application is disposed off with direction to the petitioner to surrender before the Court below i.e. **Sub-Divisional Judicial Magistrate, Darbhanga**, in connection with **Bahadurpur P.S. Case No.461 of 2017**, within a period of eight weeks from the date of receipt of copy of this order along with valid receipt showing payment of Rs.1,18,000/-(One lac eighteen thousand) to the Informant by Demand Draft and, in that event, the Court below will release the petitioner on anticipatory bail on furnishing bail bond of



₹10,000/- (ten thousand) with two sureties of the like amount each to its own satisfaction subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and her absence on two consecutive dates without proper and reasonable reason will be liable to cancel her bail bond and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

Aforesaid payment made by the petitioner to the Informant will be subject to final outcome of the case and will not prejudice the case of the petitioner.

This application is, accordingly, disposed off.

(Sanjay Priya, J)

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