

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61667 of 2017

Arising Out of PS.Case No. -86 Year- 2014 Thana -JAYNAGAR District- MADHUBANI

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Madhu Devi, W/o Sanjay Kumar Jaiswal, R/o Village- Akhalaspur, P.S.-
Bhabua, District- Kaimur at Bhabua, at present ward No.11 Bhabua, Near
Petrol Pump, P.S.- Bhabua, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate.

For the Opposite Party/s : Mr. Suresh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

6 20-02-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends her arrest in **Jaynagar P.S.**

Case No. 86 of 2014, G.R. No. 1309 of 2014 instituted for the
offence under Sections 420, 406 and 120(B) of the Indian Penal
Code.

It is alleged in the complaint petition that complainant
transferred Rs.4,91,900/- through RTGS in the account of this
petitioner for purchase of rice. The rice was not delivered to the
complainant and when complainant made demand for the return of
money, the petitioner refused to do so.

During hearing of this bail petition, it has been
submitted that now charge sheet has already been submitted in the
case after completion of the investigation, The statement of



account has been enclosed with the bail petition which shows that an amount of Rs.4,91,900/- was transferred through RTGS in the account of this petitioner from the account of the complainant.

The counsel for the petitioner has submitted that rice has been delivered on instruction of one Narayan Sah to Raj Rice Trading Company, Ranchi.

As such from own statement of petitioner the rice has not been delivered to informant although an amount of Rs.4,91,900/- has been transferred through RTGS by informant in the account of petitioner for supply of rice.

The petitioner has submitted that he is ready to make payment of 50% of amount to the complainant and deposit remaining 50% amount in the court below subject to final decision in the case.

In such circumstances, this application is disposed off with direction to the petitioner to surrender in the court below i.e. **Sub Divisional Judicial Magistrate, Madhubani**, within a period of six weeks from the date of receipt/production of a copy of this order in connection with **Jaynagar P.S. Case No. 86 of 2014, G.R. No. 1309 of 2014** with proof of making payment of 50% of the due amount to the complainant by Demand Draft and in that event the court below will release the petitioner on anticipatory



bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each, 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his 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.

The petitioner will deposit the remaining 50% of the amount in the court below at the time of surrender, and the entire payment made by the petitioner will be subject to the final decision of the case.

The court below is directed to make efforts to expedite disposal of the case if both parties cooperate and, if possible, the court will finally dispose of the case within a period of six months from the date of surrender of the petitioner.

(Sanjay Priya, J)

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