

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7103 of 2018

Arising Out of PS. Case No.-385 Year-2017 Thana- KHAGARIA District- Khagaria

Kendula Kumari, wife of Shri Sudhir Kumar Chaudhary, resident of Village-
Rahimpur Sonbarsa, presently residing at Hajipur Patel Nagar, Ward No. 20,
P.S. & District- Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Shri Ranjan Kumar Jha, Advocate Mr. Chandan Kumar Kashyap, Advocate
For the Opposite Party/s :		Sri Pranav Kumar, APP
For the informant:		Shri Vivekanand Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 13-02-2018 Heard Shri Ranjan Kumar Jha, learned counsel, assisted
by Shri Chandan Kumar Kashyap, learned counsel for the
petitioner , Shri Pranav Kumar, Additional Public Prosecutor as
well as Shri Vivekanand Singh, learned counsel who has
voluntarily appeared on behalf of the informant.

The sole petitioner, who is a lady, apprehending her arrest
in Khagaria (Chitragupta Nagar) P.S. Case No. 385 of 2017 ,
registered for the offence under Section 420 and 406 of the
Indian Penal Code , 1860 has prayed for grant of bail in the
event of her arrest or surrender.

Learned counsel for the petitioner submits that in a civil
dispute colour of criminal offence has been given and the



informant filed a complaint vide Complaint Case No. 392 C of 2017 which was referred to the Police under Section 156(3) of the Cr.P.C. for registration and investigation of the case and thereafter the present case has been lodged. By way of referring to the contents of the complaint petition, learned counsel for the petitioner submits that the allegation is purely civil in nature, which is required to be adjudicated by the court of competent jurisdiction, whereas FIR has been lodged.

Shri Vivekanand Singh , learned counsel for the informant as well as learned Additional Public Prosecutor has opposed the prayer for grant of anticipatory bail on the ground that in the case there is allegation that this petitioner has cheated the informant to the tune of more than Rs. 25,50,000/-.

Besides hearing, I have perused the materials available on record particularly the complaint petition which is basis of the FIR and after going through the same I am of the view that it is a fit case for extending the privilege of anticipatory bail.

Accordingly, in the event of her arrest or surrender within a period of six weeks from today, let the petitioner Kendula Kumari be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Khagaria / concerned court in connection with
Khagaria (Chitragupta Nagar) P.S. Case No. 385 of 2017
subject to the conditions as contemplated under Section 438 (2)
of the Code of Criminal Procedure, 1973.

(Rakesh Kumar, J)

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