

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61948 of 2018

Arising Out of PS. Case No.-379 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Kiran Dubey, wife of Sri Shiv Lok Dubey, resident of Flat No. B- 403, Prasad Apartment, Hanuman Nagar, P.S. Patrakar Nagar, Kankerbagh, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
 2. Meena Gupta, wife of Sushil Kumar Rastogi, resident of E/3, Bhagwati Complex, Nawal Kishore Road, Kadamkuan, P.S. Kadamkuan, District Patna.
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajan Ghoshrahe, Adv.
For the Opposite Party/s : Mr.J. N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-12-2018 Heard learned counsel for the petitioner and learned APP
for the State.

The petitioner is apprehending arrest in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 406, 417 and 504 of the Indian Penal Code.

The prosecution case is that the accused persons are running a private limited company known as Millenium which used to provide vehicles for carrying cash to different ATMs of Central Bank of India. The complainant, being an employee of the Department of Health, Government of Bihar, was persuaded by the husband of the petitioner, Shiv Lok Dubey for investing money for purchase of a vehicle for carrying cash to ATMs of the Bank and



consequently, the complainant, Mina Gupta gave Rs.2,50,000/- through the account payee cheque for purchase of the vehicle. At the time of providing cheque, the petitioner, being the wife of co-accused, Shiv Lok Dubey was also present. But neither the vehicle was provided, nor the money was returned to the complainant. Thereafter, the complainant made request to refund money to the petitioner. Consequently, petitioner gave a cheque of Rupees One Lac to the petitioner which got dishonoured, then husband of the petitioner, Shiv Lok Dubey issued another cheque of Rupees Two Lac Fifty Thousand in favour of the complainant, but it also got dishonoured.

It is submitted by learned counsel for the petitioner that as per the complaint petition, it appears that the accusation of persuading the complainant for providing the money is against the husband of the petitioner and the last cheque which got dishonoured was also issued by the husband of the petitioner. It is further submitted that the petitioner has simply been roped in in the present case since he is one of the Directors of the Company. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

It is submitted by learned APP for the State that accusation has also been levelled against this petitioner.

Considering the fact that admittedly the cheque was



issued by the complainant in the name of the husband of the petitioner and the cheque which got dishonoured was issued by the husband of the petitioner, coupled with the fact that petitioner is a lady, having no criminal antecedent, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No. 379 C of 2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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