

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15679 of 2019**

Arising Out of PS. Case No.-381 Year-2017 Thana- BHAGALPUR COMPLAINT CASE
District- Bhagalpur

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1. HIRA DEVI, Wife of Late Umakant Jha,
 2. Ashish Jha @ Ashish Kumar Jha, Son of Late Umakant Jha, both R/o village- Khagara, P.S- Parbatta, District- Bhagalpur

... .. Petitioners

Versus

1. THE STATE OF BIHAR
2. Urga Mohan Jha, Son of Late Sukdeo Jha, R/o village- Khagara, P.S- Parbatta, District- Bhagalpur, Retired Teacher

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha
For the Opposite Party/s : Mr.Sanjay Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

2 26-03-2019 Petitioners seek bail in anticipation of their arrest in connection with Complaint Case No. 381 of 2017 in which cognizance has been taken under Sections 419, 406, 323 and 504 of the Indian Penal Code.

Allegation as per complaint petition is that the complainant used to send money to his son at Bangalore and out of that money son of the complainant used to give money to the petitioner No.2 on the agreement that when he will complete his study he will sell the land to the complainant and as such there was dues of Rs.4,18,000/- and he has not returned the money.

Submission of learned counsel for the petitioners is



that petitioner No.1 is the mother of petitioner No.2 and there was an agreement between father of petitioner No.2 and the complainant and for that petitioners cannot be made liable.

Heard learned APP and learned counsel for the complainant, who has opposed the prayer for anticipatory bail stating that petitioner No.2 is also a party to the agreement and earlier he has lodged a case before Gram Kachari, which was decided in favour of the complainant but in spite of that money was not returned nor sale deed was executed in favour of the complainant and in Panchayati also petitioner No.2 assured to return the money but the same has not been returned.

Having heard both sides and in the facts and circumstances, so far petitioner No.1 is concerned, who is mother of petitioner No.2 and not party to the agreement, as such, let petitioner No.1, above named, in the event of arrest or surrender within a period of six weeks from the receipt of this order, be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-III, Naugachia, District Bhagalpur, in connection with Complaint Case No. 381 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal



Procedure and further condition that one of the bailors of the petitioner shall be a local person having sufficient immoveable properties within the jurisdiction of the court concerned.

So far petitioner No.2 is concerned, he should surrender within a period of eight weeks from the receipt of this order along with a Bank Draft of Rs.69,000/- payable to the complainant opposite party No.2 and once the same is deposited, he will be released on provisional bail for a period of three months and within that period he is directed to deposit the rest of the amount of Rs.69,000/- by Bank Draft in favour of the complainant. Needless to say that the aforesaid payment will be subject to the result of the case and on deposit of Rs.1,38,000/- his bail bonds shall be confirmed.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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