

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19440 of 2019**

Arising Out of PS. Case No.-289 Year-2018 Thana- RAXAUL District- East
Champaran

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KIRAN DEVI, female, aged about 49 years, Wife of Binda Singh @ Lal Bahadury Singh Resident of Village - Gamahariya, Ward no.2, P.S.- Raxaul, Distt.- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar No 7, Advocate.
For the O.P. No. 2 : Mr. Pancham lal Jaiswal, Advocate.
For the State : APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 03-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 409, 420/34 of the Indian Penal Code registered in connection with Raxaul P.S. Case No. 289 of 2018.

3. It is submitted that the petitioner has been falsely implicated and the dispute between the parties is clearly no more than a business dispute as the petitioner is said to have sold the goods supplied by the informant but not paid the sale consideration. There is counter claim by the petitioner that as a distributor for the informant, she was entitled to commission from the informant which has not been paid. The petitioner



claims clean antecedents.

4. Learned counsel for the informant appearing suo motu relies on the counter affidavit to oppose the anticipatory bail petition, submitting that the petitioner is liable to make payment of Rs. 4,68,396.84 due to the informant and in respect of which the ledger accounts has been enclosed in the counter affidavit.

5. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Raxaul, East Champaran in connection with Raxaul P.S. Case No. 289 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C., and also subject to the following further conditions -

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That the petitioner shall cooperate with the investigation, if not already concluded, and make herself available as and when so required and in case of failure, the State



shall be at liberty to move for cancellation of bail.

(iv) That the petitioner shall be well represented in Court on each and every date during trial except as and when directed by the learned Court to be physically present, and in the event of failure on two consecutive dates without sufficient reason, her bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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