

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23943 of 2019

Arising Out of PS. Case No.-668 Year-2015 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

=====

Shakuntala Devi @ Shakuntala Kumari @ Shakunata Devi @ Shakunta
Kumari Wife of Late Jaj Singh Resident of Village - Jamaurhi, P.S.-
Bikramganj, Distt.- Rohtas.

... .. Petitioner.

Versus

1. The State of Bihar.
2. Lalita Devi Wife of Kanhaiya singh Resident of Village - Jamaurhi, P.S.-
Bikramganj, Distt.- Rohtas.

... .. Opposite Parties.

=====

Appearance :

For the Petitioner/s : Mr. Nagendra Upadhyay
For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

=====

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

4 24-07-2019 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner apprehends her arrest in connection
with Complaint Case No.668 of 2015 registered under Section
406 of the Indian Penal Code.

The petitioner is an ANM in the Health
Department and she was having visiting terms with the
informant and on the assurance of the petitioner the informant
accorded her Rs.1,50,000/- & certificate of her daughter for
managing job for her daughter as ANM against giving receipt
of money by her on the stamp paper but she did not manage job
for her daughter and also did not return her money and



certificate despite giving notice to her.

Learned counsel for the petitioner submitted that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. She has neither taken money nor certificate from the informant. Moreover, it is a case of civil nature and if any amount is due against the petitioner then the informant may file money suit for recovery of the same. Learned counsel for the petitioner citing a judgment rendered in the case of Vijay Sharma and another Vs. State of Bihar reported in 2011 (1) PLJR 780 submitted that there cannot be any entrustment of a property for use or disposal contrary to law. Entrustment as defined in the Code has no application in case of money given for illegal purposes. Concept of cheating shall have no application where the act which is stated to constitute cheating was itself an offence. Petitioner happens to be lady and has no criminal antecedent, hence, she may be enlarged on bail.

Per contra, learned counsel for the informant and learned APP for the State opposing the prayer for bail submitted that the petitioner has taken the money and certificate from the informant against a receipt on the stamp paper and she has usurped the aforesaid money of the



informant. Hence, she does not deserve bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four 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 Sub Judge-I-cum-Additional Chief Judicial Magistrate, Bikramganj, Rohtas in connection with Complaint Case No. 668 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Petitioner is directed to extend all sorts of cooperation in conclusion of the trial at the earliest.

(Prakash Chandra Jaiswal, J)

Trivedi/-

U		T	
---	--	---	--

