IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37718 of 2019

Arising Out of PS. Case No.-876 Year-2018 Thana- DANAPUR District- Patna

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JANVI @ JYOTSANA KUMARI Wife of Sri Ravi Kishore, Resident of Flat No. 101, Shanti Archid Apartment, Shekhpura, P.S.- Shastrinagar, Distt - Patna. Presently residing at Flat No. 207, Rounak Capital Green Apartment, Mathiyapur, P.S.- Danapur, Distt - Patna.

... ... Petitioner/s

Versus

The State of Bihar.

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh
For the Informant	:	Mr. Sheshank Shekhar
For the State	:	Mr. Binod Kumar No. 3, APP

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 21-06-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

In this case, the petitioner is seeking anticipatory bail in connection with Danapur P.S. Case No. 876 of 2018 registered for offence punishable under sections 420, 406, 504, 506/34 of the Indian Penal Code and section 138 of the Negotiable Instrument Act.

As per F.I.R., allegation has been made that the informant was purchasing the articles from Manglam Store which is opposite of Bhawani City Apartment. The petitioner developed acquaintance with the informant. The petitioner and her husband came at the residence of the informant and stated that if so like she may invest the money in their Manglam store and become a partner of that store whereupon the informant after consultation with her family members gave Rs.11,00,000/- (eleven lacs) to the petitioner along with her husband having 20% of profit arising from that store. It has been stated that altogether Rs.9,00,000/- (nine lacs) was given by way of cash and Rs.2,00,000/- (two lacs) has been transferred to the Axis Bank account of the husband of the petitioner. There was an undertaking that a partnership agreement will be prepared, but it could not be materialized, later on, it transpired that the informant has been cheated. At the time of giving money, a cheque was handed over to the informant but later on it transpired that a fraud has been committed by the petitioner. Thereafter the informant requested the petitioner to return her money whereupon she gave assurance for return of the same. When the cheque was placed for resettlement of the account, it has been returned as there was some overwriting in the date of cheque.

The learned counsel for the other side submits that the petitioner has committed fraud in the sense that she has two PAN cards and two Aadhar cards and the informant has been cheated by giving a wrong assurance for investing the money and return of the money with 20% of profit of that store but assurance was given in order to misappropriate the amount of the informant.

The learned counsel for the petitioner submits that Rs.2,00,000/- was transferred to the account of husband of the petitioner, as the informant was taking the material from the shop of the petitioner and on that account the money, which was outstanding, was transferred to the account of the husband of the petitioner, but looking to the fact that the petitioner is a Government employee, keeping two PAN cards and two Aadhar cards and in one place, she has shown her name as Jyotsana Kumari and in another place, she has shown her name as Janvi Kumari with different address as in one PAN card and Aadhar card, she has shown address with her father and in another card, she has shown her address with her husband itself shows manipulation mind of the petitioner .

Looking to the facts and circumstances of the case, this Court is not inclined to grant bail to the petitioner and accordingly his prayer for bail is rejected.

(Shivaji Pandey, J)

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