

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35150 of 2019

Arising Out of PS. Case No.-295 Year-2016 Thana- GOVINDGANJ District- East
Champaran

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INDU DEVI Wife of Mukti Nath Tiwary Resident of Village- Sujayatpur,
P.S.- Govindganj, District- East Champaran. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rashmi Jha, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP
For the Informant : Mr. Vijay Shankar Srivastava, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 27-09-2019 Heard learned counsel for the petitioner and learned
counsel for the informant as also learned APP for the State.

The petitioner in the present case is seeking anticipatory bail in connection with Govindganj (Areraj) P.S. Case No. 295 of 2016 registered for the offences punishable under Sections 406, 420, 467, 468, 471, 120(B) of the Indian Penal Code.

It appears from the records that there was allegation against the petitioner that she had executed sale deed of a piece of land which was already sold to someone else. Her husband was also involved in the transaction. Later on when these facts reveal, a settlement took place in a panchayat held between the parties in which it was agreed that a different piece of land shall be made available to the informant and a sum of Rs. 1,15,000/- shall be returned. It is the case of the informant that while the



subsequent sale deed has been executed but a sum of Rs. 1,15,000/- has not been returned. Copy of Panchnama has been placed before this Court for perusal on behalf of the informant.

Learned counsel for the petitioner submits that the husband of the petitioner has already been arrested in connection with the case. It is further submitted that this petitioner has made a statement in the application that a sum of Rs. 1,15,000/- has been refunded to the informant.

This Court finds from the previous order dated 06.09.2019 passed by the learned co-ordinate Bench of this Court that on the prayer of on behalf of the petitioner one week time was granted to seek instruction with regard to readiness of the petitioner to refund the amount of Rs. 1,15,000/- to the informant said to be owing as recorded in the Panchnama.

Since learned counsel for the petitioner submits that the petitioner would not be willing to accept the allegations that the amount has not been refunded to the informant and she would press her statement made in paragraph '10' of the application which has been seriously disputed by the learned counsel for the informant citing the previous order of this Court which does not indicate that any other submission was made on behalf of the petitioner on the said date, this Court would not



willing to extend the privilege of anticipatory bail to the petitioner.

The application stands dismissed.

However, if the petitioner surrenders and prays for regular bail within a period of four weeks from today before the learned court below, the same shall be considered on its own merit without being prejudiced to the present order.

(Rajeev Ranjan Prasad, J)

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