

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46367 of 2019

Arising Out of PS. Case No.-260 Year-2019 Thana- DANAPUR District- Patna

DEOKALI DEVI Wife of Sri Kamlesh Pandey Resident of Village - Lohasa,
P.S.- Derni, District- Saran, At present residing at Nasariganj, Old Devi
Temple, P.S.- Danapur, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Sinha
For the Opposite Party/s : Mr.Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 26-07-2019 Heard both sides.

The petitioner apprehends her arrest in Danapur P.S.
case No. 260 of 2019 registered under Section 323, 341, 379,
406, 420, 467, 468, 504, 509, 34 of the IPC.

The informant alleged that petitioner took Rs.
10,50,000/- for selling a piece of land but the petitioner neither
executed the sale deed nor returned the money. When the
informant demanded money the petitioner handed over a cheque
bearing No. 342449 signed by her son, Niraj Pandey, but when
the cheque was presented the bank officials returned the cheque
disclosing that signature of Niraj Pandey is not tallying with his
signature in the ledger. Thereafter, when the informant went to
demand money the petitioner and others are said to have
assaulted the informant.

The learned counsel for the petitioner submits that
petitioner never took any money from the informant. The
petitioner borrowed Rs. One lac from the husband of informant
and put signature on a blank stamp paper. The petitioner is not
signatory of the cheque. It is further submitted that there is no



agreement for selling a piece of land. The dispute is of civil nature and the informant has got remedy in Civil Court by filing suit for Specific Performance of Contract. This criminal case is lodged only to put undue pressure.

Considering the facts aforesaid and nature of allegation made against the petitioner and the fact that petitioner is not the signatory of the cheque rather the cheque was bearing the signature of son of the petitioner, the petitioner, above named, in the event of her arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Danapur P.S. case No. 260 of 2019, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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