

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.67272 of 2018

Arising Out of PS. Case No.-109 Year-2018 Thana- SAHPUR District- Bhojpur

Asha Kuer Wife of Late Ashok Kumar @ Ashok Kumar Sinha Resident of
Village - Shahpur, P.S. Shahpur, P.O. Shahpur Patti, District - Bhojpur at Ara
(Bihar)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Om Prakash Upadhyay Mr. Abhay Kumar Pandey, Advocates
For the Opposite Party	:	Mr. Jitendra Kr. Singh, APP

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 04-01-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends her arrest for the offences
alleged under Sections 420, 467, 468, 471 of the Indian Penal Code
registered in connection with Shahpur P.S. Case No. 109 of 2018.

3. It is submitted that the petitioner has been falsely
implicated as the dispute between the parties is of civil nature in
respect of which Title Suit No. 661 of 2010 is pending before learned
Subordinate Judge, Jagdishpur. In any event, it is submitted that the
petitioner is ready to deposit her share of the sale proceeds before the
learned court below. The petitioner claims clean antecedents.

4. Having regard to the entirety of the facts and
circumstances of the case, 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
Additional Chief Judicial Magistrate-X, Bhojpur at Ara in connection



with Shahpur P.S. Case No. 109 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and with further conditions –

(i) That out of sale consideration of Rs. 3,75,000/- and Rs. 1,70,000/- under two sale deed nos. 3161 and 3162 dated 12.08.2011, respectively, the petitioner deposits her share of such sale consideration before the court below subject to final result of the trial.

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

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

(iv) That the petitioner will be well represented on each and every date 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.

(v) 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.

(Vikash Jain, J)

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