

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76110 of 2019

Arising Out of PS. Case No.-198 Year-2019 Thana- BARSOI District- Katihar

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BIBI RUH AFJA KHATOON @ BIBI RUH AAFJA KHATOON Wife of Md. Iqbal Resident of Village-Bhaisbandha, P.S-Balia Belon (Kadwa), District-Katihar.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Md. Qumrul Hoda

For the Opposite Party/s : Mr.Ashok Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-12-2019 Heard learned counsel for the petitioner and the learned
APP for State.

Petitioner apprehends her arrest in connection **with Barsoi P.S. Case No. 198 of 2019, arising out of Complaint Case No. 780 of 2018**, instituted for the offence under Section(s) 341,323,504,420,406,467,468 and 120B of the Indian Penal Code.

It is submitted by petitioner's counsel that from perusal of the complaint petition itself it is apparent that the criminal prosecution is based on the complainant's alleged entitlement to refund of the amount equivalent to 50% of the plot.The petitioner's counsel submits that the co-vendor Waseem Aara refused to honour the sale-deed, therefore, she may have



returned the amount in respect of her plot.

In respect of the petitioner, the submissions is that the petitioner and Waseem Aara have been on litigating terms since long and petitioner is a *Pardanashin* lady and not in good health and, therefore, is entitled to privilege of anticipatory bail.

The allegations are predominately civil in nature and no offence is made out even if it is accepted that she had taken money for sale of 50% of the land resort to instant criminal prosecution for refund of the same is abuse of the process of the law.

The petitioner has no criminal antecedents, as per assertions made in para 3 of the instant petition.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions of the parties and fact that there is no apprehension of the petitioner's affecting or influencing the witness or evidence, this Court is inclined to allow the prayer for anticipatory bail.

Considering the aforesaid facts, prayer of the petitioner for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner, named above, before the court below, within four (04) weeks from today, she shall be released



on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the **ACJM 1st Class, Katihar**, in connection with **Barsoi P.S. Case No. 198 of 2019, arising out of Complaint Case No. 780 of 2018**, subject to the conditions as laid down under Section 438(2) Cr.P.C. subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled

(Madhuresh Prasad, J)

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