

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14719 of 2020

Arising Out of PS. Case No.-952 Year-2019 Thana- SHASTRINAGAR District- Patna

SHILU DEVI W/o Sri Subodh Resident of Village- Mainpura, In front of Murti Makan, P.O. and P.S.- Patliputra, Patna. At present Office- R.D. Eco Developers Pvt/R.D. Group Realestate Gosai Tola Road, In front of Durga Temple, P.S.- Patliputra, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Dubey

For the Opposite Party/s : Mr.Tarun Prasad Mandal

Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard Sri Ajay Kumar Thakur, the learned senior counsel for the petitioner, Sri Abhay Kumar Singh, the learned counsel for the informant and Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Shashtri Nagar P.S. Case No.



952 of 2019 registered for the offence punishable under Sections 406 and 420/34 of the Indian Penal Code.

The case of the prosecution arises from disputes, which have arisen with the execution of development agreements in question with the informant and one other person. The informant has claimed that he has not been handed over six flats and to that extent, the accused persons including the petitioner herein have cheated the informant, though it is admitted that the informant has received possession letters of three flats.

The learned counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case and she is having a fair antecedent inasmuch as she is an accused in one other case in which she is on bail. It is further submitted that a bare perusal of the FIR would show that the dispute in question arises from the development agreements entered into with the informant by the R.D. Eco Developers Pvt. Ltd. through their managing Director, Pramod



Kumar and one other Director i.e. the petitioner herein. It is further submitted that the disputes in question are purely of civil nature and the informant is well-advised to approach the competent court having appropriate civil jurisdiction for redressal of his grievances and the present criminal case is misconceived. It is also submitted that the remedy for breach of the terms and conditions of an agreement can, by no stretch of imagination, be said to be criminal prosecution of the petitioner.

Per contra, the learned counsel for the informant has vehemently opposed the prayer for bail and has submitted that the accused persons including the petitioner herein had promised to hand over six flats to the informant, however, only three flats have been given to the informant and therefore, the informant has been cheated by the accused persons.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into



account the fact that the main accused person is Pramod Kumar and the allegations levelled in the present case are in the nature of civil dispute for which prima facie, the remedy is not criminal prosecution, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Shashtri Nagar P.S. Case No. 952 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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