

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25048 of 2020

Arising Out of PS. Case No.-467 Year-2019 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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SAKINA KHATOON Wife of Kalimuddin Resident of Mohalla- Maripur
Madarsa Road, P.S.- Kazi Mohammadpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Hari Kishore Thakur
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad
For the informant	:	Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 03-12-2020 Heard learned Counsel for the petitioner, learned
Counsel for the informant and learned Additional Public
Prosecutor for the State, through video conferencing.

This application, for grant of anticipatory bail, arises
out of Kazi Mohammadpur Police Station Case No. 467 of
2019, registered for the offences punishable under Sections
420/406/467/468/120-B of the Indian Penal Code.

The allegation, as per the First Information Report, is
that the petitioner along with her husband hatched a conspiracy
and the husband of the petitioner entered into an agreement for
sale of a piece of land in favour of the informant for a total
consideration amount of Rs. 21,50,000/-. It has further been
alleged that the informant paid a sum of Rs. 10,00,000/- to the



husband of the petitioner and despite having received the amount, the sale deed of the land in question has not been executed in favour of the informant and thus, the petitioner and her husband cheated the informant.

Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and with due acknowledge, a sum of Rs. 10,00,000/- has been received by the petitioner's husband and agreement for sale has been executed between the husband of the petitioner and the informant. He further submits that the petitioner has not signed the agreement for sale as well as she has not signed on any receipt issued to the informant for the money paid by the informant. He further submits that the petitioner tried to contact her husband pursuant to the order, dated 15.10.2020, but the husband of the petitioner has left her at her matrimonial home and is absconding and as such the petitioner is not in a position to refund a sum of Rs. 10,00,000/- to the informant.

On the other hand, learned Counsel for the informant submits that the petitioner along with her husband had hatched a conspiracy and both, the husband and his wife, the petitioner, have cheated and deprived the informant of her amount of Rs. 10,00,000/-.



After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the husband of the petitioner is the owner of the land in question and agreement for sale has been executed between the husband of the petitioner and the informant, I am inclined to grant the petitioner privilege of anticipatory bail.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, in the event of her arrest or surrender before the Court below within six weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate (East), Muzaffarpur, in connection with Kazi Mohammadpur Police Station Case No. 467 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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