

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 85409 of 2019

Arising Out of PS. Case No.-227 Year-2019 Thana- HAJIPUR SADAR District- Vaishali

PUNAM DEVI @ MUNNI DEVI Wife of Late Vinod Kumar Sinha R/O -
Bagmali, Jagdamba Asthan, P.S.- Hajipur Sadar and District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar
For the Informant : Mr. Mukesh Kumar

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2020 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Hajipur Sadar P.S. Case No. 227 of 2019 registered for the offence punishable under Sections 341, 323, 307, 406, 379/34 and 420 of the Indian Penal Code.

The allegation is regarding the petitioner and her son i.e. the co-accused Aman Kumar Sinha having taken a sum of Rs. 7.55 lakhs from the informant, however, upon demand, they are stated to have refused to pay the same and had also assaulted the informant.

The learned counsel for the petitioner has submitted that the son of the petitioner has already been granted bail by the learned court below and as far as the petitioner is concerned,



even on a bare perusal of the FIR, no offence is made out inasmuch as there is no proof of handing over a sum of Rs. 7.55 lakhs to the petitioner. It is further submitted that there is no injury report on record to show that the informant was assaulted by the petitioner or her son. Lastly, it is submitted that the petitioner is having a clean antecedent.

Per contra, the learned counsel for the informant has submitted that the main accused is the petitioner and in fact, she had given two cheques for a sum of Rs. 3,00,000/- and 2,00,000/- respectively, however, the same have been returned back to the informant by her banker since the same had not been honoured by the bank of the petitioner and had resulted in cheque bouncing. It is thus submitted that the petitioner is not entitled to bail.

I have heard the learned counsel for the parties and perused the materials on record and I find that the present FIR does not speak about any allegation pertaining to bouncing of cheque, thus, this Court finds that the informant is free to file separate case as far as bouncing of cheque is concerned.

Now coming to the present case, considering the facts and circumstances of this case as also the fact that the son of the petitioner, who is the co-accused person, has already been



granted bail by the learned court of CJM, Vaishali, apart from the fact that there is no proof of handing over a sum of Rs. 7.55 lakhs to the petitioner herein, prima facie, this Court is of the opinion that the petitioner is not having any complicity in the present case as far as the present petition is concerned, hence, this Court deems fit and proper to grant anticipatory bail to the petitioner, 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 C.J.M., Vaishali at Hajipur in connection with Hajipur Sadar P.S. Case No. 227 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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