

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86939 of 2019

Arising Out of PS. Case No.-360 Year-2019 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Soni Devi Wife of Shiv Narayan Bhagat Resident of Village - Bhawan Tekthi
Ward No. 1, P.S.- Madhepura, District - Madhepura.

... .. Petitioner

Versus

1. The State of Bihar
2. Manohar Lal Mandal Son of Late Jagdish Prasad Mandal Resident of Village - Chaundda, P.O.- Kaanp, P.S.- Sour Bazar, District - Saharsa, presently residing at Nagar Parishad Madhepura, Ward No. 21, P.S.- Madhepura, District - Madhepura.

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr.Dr. Sanjay Kumar Singh
For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA

ORAL ORDER

2 14-02-2020 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State as well as learned counsel appearing for the opposite party no. 2 (complainant).

Petitioner apprehends her arrest in connection with Complaint Case No. 360 of 2019 registered for the offences punishable under Sections 323, 406, 420, 120B, 467, 468, 471, 417 of the Indian Penal Code.

The accusation against the petitioner is that she took money from the complainant on different dates for execution of sale deed in respect of a land but subsequently, she refused to



execute sale deed.

Learned counsel appearing for the complainant submits that petitioner has cheated several persons in the same way and some of the persons have filed complaint petition against the petitioner which is evident from perusal of Annexure-4 to the counter affidavit.

Annexure-4 to the counter affidavit goes to show that one Md. Hamid has filed complaint Case No. 385 of 2019 against the petitioner and in the aforesaid complaint petition the learned Magistrate found prima facie case true under Sections 406, 417, 506 of the I.P.C.

The fact of the present case does not constitute any criminal liability rather the fact of the present case constitutes a cause of action for civil suit.

Therefore, considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioner, in the event of her arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Sri Kumaresh, learned Judicial Magistrate, 2nd,



Madhepura in Complaint Case No. 360 of 2019, subject to
conditions as laid down under Section 438(2) of the Cr.P.C.

(Hemant Kumar Srivastava, J)

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