

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3916 of 2022**

Arising Out of PS. Case No.-48 Year-2020 Thana- DANAPUR District- Patna

Nitu Devi, Wife of Kariman Saw, Resident of Village - Aadampur Piplawan,  
P.S. - Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                |
|--------------------------|---|--------------------------------|
| For the Petitioner/s     | : | Mr.Niraj Kumar, Advocate       |
| For the Informant        | : | Mr. Ram Niwas Prasad, Advocate |
| For the Opposite Party/s | : | Mr.Shyam Kumar Singh, APP      |

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

3      02-11-2022                      Heard learned counsel for the petitioner and learned  
APP for the State as well as learned counsel for the informant.

Let the defect (s), as pointed out by the office, be  
removed within a period of four weeks.

In the present case, the petitioner seeks bail in  
connection with Danapur P.S. Case No. 48 of 2020 registered for  
the alleged offences under Sections 419 and 420 of the Indian  
Penal Code and Section 138 of the N.I. Act.

As per prosecution case, the petitioner and her co-  
accused husband requested a loan of Rs. 8 lacs from the  
informant and they made a paper of agreement for return of the  
said money and issued a post-dated cheque for the same. Later on  
when the cheque was presented for encashment, the same was  
dishonored for want of fund. Thus, the informant came to know



that he was cheated of his money.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. She is a housewife and she does not have any concern with any business. The alleged amount as mentioned in the dishonored cheque has been put in different handwriting and even the name of payee has been written in different handwriting. The petitioner is not known to the informant and it is not believable that such huge amount to an unknown lady who has no source of income of her own. From the FIR, it is also clear that there is no impersonation or dishonest inducement as alleged against the petitioner. Hence, for offences punishable under Sections 419 and 420 of the Indian Penal Code would not be attracted in this case. For dishonor of the cheque under Section 138 of the Negotiable Instruments Act (N.I. Act) only a complaint would be maintainable. The Charge sheet has been submitted in this case and the petitioner is in custody since 08.03.2021.

Learned APP for the State as well as learned counsel for the informant oppose the submission made on behalf of the petitioner. Learned counsel for the informant further submits that the petitioner cheated the informant of Rs. 8 lacs.

Perused the records.

Having regard to the submission made on behalf of the



parties and considering the nature of allegation along with the period of custody of the petitioner and submission of charge sheet, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Patna, District-Patna in connection with Danapur P.S. Case No. 48 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

**(Arun Kumar Jha, J)**

himanshu/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

