

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16654 of 2022

Arising Out of PS. Case No.-751 Year-2016 Thana- NAWADAH COMPLAINT CASE
District- Nawada

=====

KUMARI ASHA SINHA Wife of Mithlesh Prasad @ Mithalesh Prasad
Resident of Village - Fatehpur, P.S.- Asthama, District - Nalanda at present
residing at Mohalla Shiv Nagar, Nawada, P.S.- Nawada, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjani Devi Wife of Hari Shankar Prasad Sachin Resident of village - Near
Gonawan I.T.I., P.S.- Nawada, District - Nawada.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr.Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr.Bharat Lal, APP
For the Complainant	:	None

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioner, learned

A.P.P. for the State and no one appears on behalf of the

complainant.

The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 420, 406,
323, 504 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the complainant
alleges that the accused persons wanted to sell their land
situated at Patna for which a proposal was made between the
parties and total consideration amount fixed was Rs. 11 lakhs.



On 17.07.2007, the complainant paid Rs. 2 lakhs by cheque as detailed in the complaint, thereafter another check was given to the accused persons of Rs. 8,50,000/- on 15.09.2007 and further a cheque of Rs. 1,00,000/- was issued on 17.10.2007 as such total amount of Rs. 10,60,000 was paid to the petitioner, it is next alleged that thereafter the petitioner came to Patna with complainant and even showed the land to her but the petitioner thereafter refused to register the land in favor of the complainant, it is next alleged that the petitioner had sold the land to other persons in the year 2013 as such the complainant was cheated.

Learned counsel for the complainant submits that from perusal of the complaint it would manifest that the dispute is purely civil but has been given color of a criminal case, it is next submitted that if complainant was aggrieved by the act of the petitioner then she had remedy available in law. Learned counsel further submits that from perusal of the allegation as alleged in the complaint it would manifest that the occurrence took place in the year 2007 for which complaint came to be instituted in the year 2016 after an inordinate delay without any reasonable explanation.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 751 of 2016 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Rishi/-

U		T	
---	--	---	--

