

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19562 of 2022

Arising Out of PS. Case No.-973 Year-2021 Thana- KHAJANCHI HAT District- Purnia

1. Gopal Paswan Son Of Late Pavitra Paswan Resident Of Village - Shiv Dham Nagar, P.S.- Madhubani T.O.P. (K. Hat), District - Purnea
2. Parmeshwar Paswan Son Of Late Pavitra Paswan Resident Of Village - Shiv Dham Nagar, P.S.- Madhubani T.O.P. (K. Hat), District - Purnea
3. Meena Devi Wife Of Late Pavitra Paswan Resident Of Village - Shiv Dham Nagar, P.S.- Madhubani T.O.P. (K. Hat), District - Purnea

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh

For the Opposite Party/s : Mr. Anuj Kumar Singh (APP 79)

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 21-09-2022 The anticipatory bail application of petitioner no.1 was earlier withdrawn as has been mentioned in the Bench Slip kept at Flag- 'B' to the present petition.

Today also the learned counsel for the petitioners seeks permission to withdraw the present anticipatory bail application with respect to petitioner no.2.

Permission is accorded.

Accordingly, instant petition is dismissed as withdrawn.

Heard learned counsel for the petitioner no.3 and learned APP for the State.



The petitioner no.3 seeks bail in anticipation of her arrest in a case registered for the offences punishable under Sections 406, 420 and 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is a woman and the informant alleges that the petitioner after receiving the entire consideration amount of land from the informant as detailed in the F.I.R. did not execute the sale deed and when the informant went to the house of Gopal Paswan, he and his family members abused and threatened that money would not be returned as he is posted in the D.M's. Office.

The learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil in nature, but the informant has tried to give colour of a criminal case. It is next submitted that even what has been alleged is true without admitting for the purposes of anticipatory bail, then at best it is a breach of contract for which the remedy lies elsewhere i.e. by filing a Money Suit for recovering the amount. It is next submitted that there is delay of nearly seven months in instituting the F.I.R. as the date of occurrence is 14.03.2021 and the F.I.R. was lodged on 18.10.2021. It is next submitted that no



agreement paper was signed in between the petitioner and the informant. It is next submitted that the informant has also filed a Title Suit No.111 of 2021 pending in the Court of the learned Subordinate Judge-1, Purnea under Specific Performance of Contract. It is thus submitted that when the informant is availing her remedies available in law where was the occasion for instituting the present criminal case.

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.3, above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on her furnishing bail-bonds in the sum 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 in connection with K. Hat (Madhubani) P. S. Case No.973 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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