

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24457 of 2022

Arising Out of PS. Case No.-357 Year-2021 Thana- UCHKAGAON District- Gopalganj

1. Mala Mishra, Wife Of Kamda Kumar R/O Village- Luhesi, Post Office- Sathi, P.S.- Uchakagaon, And District- Gopalganj, Presently Reiding At New Area, Adalhatu, Nandi Lane, Morabadi, Adalhatu, P.S.- Bariyatu, Ranchi, Jharkhand-834008
2. Kamda Kumar, Son Of Late Ramnandan Mishra R/O Village- Luhesi, Post Office- Sathi, P.S.- Uchakagaon, And District- Gopalganj, Presently Reiding At New Area, Adalhatu, Nandi Lane, Morabadi, Adalhatu, P.S.- Bariyatu, Ranchi, Jharkhand-834008

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avinash Chandra
For the Opposite Party/s : Mr. Abhay Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 420, 406, 327, 504, 506 and 34 of the Indian Penal Code.

The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and petitioner no.1 is a woman and the informant alleges that petitioner no.2 is his own nephew and petitioner no.1 is wife of petitioner no.2. Further, petitioner no.2 along with his mother executed sale deed with respect to a land as detailed in the F.I.R. Further,



assured that he would register other part of land later for which, he had taken some advance as detailed in the F.I.R. and had said that rest of the amount will be taken at the time of registering the sale deed, but neither the land was registered, nor the petitioners are returning the money and on demand, the informant was abused.

The learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is next submitted that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the allegations are purely civil in nature for which, a criminal colour has been given. It is also submitted that if what has been alleged is true, then definitely the informant has remedies available in civil law for which institution of the present F.I.R. is definitely an abuse of the process of the Court.

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

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like



amount each to the satisfaction of the learned Court below
where the case is pending in connection with Uchakagaon P. S.
Case No.357 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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