

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39710 of 2021

Arising Out of PS. Case No.-553 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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PRATIMA DEVI W/O KRISHNA PRASAD @ KRISHNA PRASAD
JAISWAL R/o Mohalla- Gandhinagar, Kalwar Patti, P.S.- Chanpatia, District-
West Champaran. Also Resident of Pragati Nagar, Ujjain Tola, P.S.- Bettiah
Town, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jagjit Roshan

For the Opposite Party/s : Mr.Arun Kumar

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 06-06-2022 Heard the learned counsel for the petitioner
and the learned A.P.P. for the State.

This is an application for grant of anticipatory
bail in connection with Bettiah Town P.S. Case No.
553 of 2020 (G.R. No. 4216 of 2020) registered for
the offence punishable under Sections 406, 420,
506 and 34 of the Indian Penal Code.

The case of the prosecution in brief is that the
co-accused person, namely, Manoj Prasad Jaiswal,
introduced the other co-accused person, namely,
Krishna Prasad Jaiswal, to the informant whereupon
they had represented that if any money is



deposited with them, the same would earn interest @ of 33% per annum. It is the further case of the informant that being lured by the offer given by the co-accused person named hereinabove, the informant had deposited a huge sum of Rs. 34,00,000/- an odd with the said co-accused person, namely, Krishna Prasad Jaiswal on the assurance that he would get a return of 33% per annum as interest. It is also alleged that though the petitioner has not swindled any money of the informant, however, when the informant had gone to the house of the co-accused person, namely, Krishna Prasad Jaiswal, she had abused and threatened the informant to implicate him in a false case.

The learned counsel for the petitioner submits that the petitioner is innocent, she has been falsely implicated in the present case. It is submitted that though the petitioner is an accused in one other criminal case, but she is on bail in the said case. Lastly, it is submitted that if at all anyone is having any complicity in the matter, it might be the co-



accused person, namely, Krishna Prasad Jaiswal, however, there is no allegation of any money having been deposited by the informant in the account of the petitioner, hence, admittedly, the petitioner is having no complicity in the matter.

The learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the prayer for bail. However, at this juncture, the learned counsel for the informant submits that it be indicated that the main accused in the present case, who is having complicity in the alleged crime, is the co-accused person, namely, Krishna Prasad Jaiswal.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that no money has been transferred in the account of the petitioner, apart from the fact that admittedly, the informant has also not alleged that he had deposited any amount in the bank account



of the petitioner whereas only a general and omnibus allegation of abusing the informant has been levelled qua the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Civil Court, Bettiah, West Champaran, in connection with Bettiah Town P.S. Case No. 553 of 2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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