

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46187 of 2021

Arising Out of PS. Case No.-514 Year-2020 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. SONU KUMAR Son of Uttam Mandal Resident of Village - Kapsouna, P.S.- Sahkund, Distt.- Bhagalpur, At Present Address- Resident of Village - Nurses Quarter, Mayaganj Thana Road, P.S.- Barari, Distt.- Bhagalpur.
 2. Susma Supriya Tirki W/o Sonu Kumar Resident of Village - Kapsouna, P.S.- Sahkund, Distt.- Bhagalpur, At Present Address- Resident of Village - Nurses Quarter, Mayaganj Thana Road, P.S.- Barari, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashish Kumar Yadav, S/o Sri Ashok Pd. Yadav, R/M Satsang Ghat Road, Bari Khangarpur, P.S. Barari, Distt. Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh,Advocate
For the Opposite Party/s : Mr.Bharat Bhushan,APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-07-2022 Despite of valid service of notice, no one turn up on
behalf of the O.P. no. 2.

It is submitted by learned counsel for the petitioners that during pendency of this application, petitioner no. 1 has been arrested and, as such, he seeks permission to withdraw this application.

In view of the aforesaid submission, this application is dismissed as withdrawn against petitioner no. 1.

So far as petitioner no. 2 is concerned, the instant application for anticipatory bail has been filed by her



apprehending his arrest in connection with Kotwali (Barari) P.S. Case no. 514 of 2020 registered under Sections 406, 420, 506 & 34 of the Indian Penal Code.

As per allegation in the FIR, husband of petitioner has owed an amount of Rs. 4,20,000/- from the informant for his personal necessity with a promise to return the same. On request, petitioner has provided one cheque of Rs. 4 lac of SBI and another cheque of Rs. 20,000/- of Ujjivan small finance bank, which were got dishonored by the respective banks. It is further alleged that petitioner took away grocery articles from the kirana shop of the informant on credit to which he also not returned.

It is submitted by learned counsel for the petitioner no. 2 that she has been falsely implicated in this case. She is a government servant. She has no concern with the money transaction done by her husband, who is petitioner no. 1 and the informant. No offence of cheating is made out against her. The matter is purely civil in nature. Specific allegation is against petitioner no. 1, her husband, who is in custody.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioner no. 2 on bail. The petitioner no. 2 is directed to surrender in the Court below within a period of four weeks from today and in the event of her arrest or surrender in connection with Kotwali (Barari) P.S. Case no. 514 of 2020, she will be enlarged on 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 II Addl. Dist. & Session Judge cum Special Judge, Excise, Bhagalpur subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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