

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38340 of 2022

Arising Out of PS. Case No.-178 Year-2022 Thana- NAUBATPUR District- Patna

Vijanti Devi Wife Of Upendra Kumar @ Rajan R/O Village- Sherpur, P.S.-
Maner, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr.Anant Kumar I, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-09-2022 Today this case has been listed on priority basis, on
the motion slip filed by the learned counsel for the petitioner,
praying therein that the petitioner having two years old daughter
and both of them are behind the bar.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, within a
period of four weeks from today.

Heard Mr. Narendra Kumar Singh, learned counsel
for the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in
connection with Naubatpur P.S. Case No. 178 of 2022, for the
offences punishable under Sections 406, 420, 467, 468 and
471/34 of the Indian Penal Code.

The prosecution case is based on the written report
filed by the informant alleging therein that one trust was formed



by co-accused Upendra Kumar @ Rajan in the name of Human Lok Seva Samiti trust and the petitioner is said to be a member of the trust engaged in convincing the people at large to become the member of said trust by depositing some amounts. It is also alleged that on the assurance given by the petitioner the informant and other persons joined the trust and deposited amount of Rs.5,000/- and by this way the petitioner in connivance with other members and her husband cheated and grabbed huge amount of the informant and others, dishonestly.

It is submitted by the learned counsel appearing on behalf of the petitioner that from the FIR, it would be evident that the petitioner is said to be one of the associate of the Upendra Kumar @ Rajan, who happens to be her husband and the founder of the Human Lok Seva Samiti and save and except the allegation of rendering assistance to the trust in question, there is no cogent material against the petitioner. He further submitted that in fact the petitioner has been residing separately from her husband since 2015 and in support of his submission he has drawn the attention of this Court towards Annexure P/2, a complaint filed by the petitioner against her husband with regard to cruelty metted out by him, which apparently suggests that there is no good relation between the petitioner and her



husband and as such the participation of the petitioner in the fraudulent act of the husband is entirely suspicious and false. He also submitted that the petitioner being a lady is in custody since 26.03.2022, having no criminal antecedent.

On the other hand learned APP for the State vehemently opposes the bail application and submits that incriminating materials have been recovered from the possession of the petitioner, which shows her complicity in the crime.

Regard being had to the submissions made on behalf of the parties and considering the fact that the investigation of the crime is already completed and charge-sheet has been submitted and so far the petitioner is concerned, she being a lady having fair antecedent and is in custody since 26.03.2022, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-III, Danapur, in connection with Naubatpur P.S. Case No. 178 of 2022, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the



trial.

(ii) She will remain present on each and every date of trial till disposal of the case.

(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(Harish Kumar, J)

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