

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48225 of 2021

Arising Out of PS. Case No.-143 Year-2021 Thana- KOTWALI District- Patna

PINKI DEVI W/O- SRI SANTOSH KUMAR Resident of Village- Nehru
Nagar Tola, Patna City, P.S.- Chowk, Distt- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
C.A.V Order

9 29-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State. Notice was directed to be issued upon O.P.
No.2 by this court. Office points out that the notice has been
received by wife of O.P. No.2 and jointness petition in this
regard has been filed, stating at para-2 of the supplementary
affidavit that wife of O.P. No.2 and the O.P. No.2 are residing
in the same house.

Accordingly, the notice is considered to be validly
served upon the O.P. No.2.

Learned counsel for the petitioner undertakes to remove
the defects within four weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner seeks bail in connection with Kotwali P.S.
Case No.143 of 2021, corresponding to G.R. No.2316 of 2021,



registered for the offence punishable under Sections 406, 420, 120B of the Indian Penal Code.

Allegedly, the petitioner in connivance with other FIR named accused persons have defrauded an amount of Rs.2,18,00,000/- from the informant on the pretext of registering land in the name of informant and his brothers but after receiving the money, refused to register the land in their names and the same land was sold to another person.

Learned counsel for the petitioner submits that petitioner is quite innocent and has not committed any offence as alleged in the FIR. She is only confirming party to the agreement dated 21.12.2018. The present case is the counter blast of complaint case lodged by co-accused Santosh Kumar vide Complaint Case No.1366(C)/2021 dated 08.03.2021 against the informant, his brothers and their wives. The co-accused Santosh Kumar had lodged a complaint case vide Complaint case No.2720(C)/2020 dated 19.01.2021 against the informant Sanjay Kumar Agarwal, his two brothers and their wives. The present case has been filed for refund of money which is alleged to have been given to four persons namely Vishnu Dayal Rai, his wife Rajpatiya Devi, Santosh Kumar and petitioner. He further submits that present matter relates to



civil dispute in nature and the informant should file civil case against the petitioner and other accused if cause of action survives. Petitioner has no criminal antecedent, mentioned in para-3 of this application.

Learned APP for the State opposed the bail application and submits that petitioner is also involved in the present case. From perusal of the record including the impugned order, it is clear that the present case has been lodged for cheating and the said offence appears to have been committed by the accused persons including the petitioner. It appears from the impugned order that learned court below considered the case diary and came to the conclusion that witnesses have supported the prosecution case. From perusal of the statement recorded u/s 161 Cr.P.c, it appears that the accused persons had made agreement with the informant and his brothers to sell all their land and after getting huge amount, sold the whole land in favour of another person. The supervision note in the case diary, shows that the case has been found to be true against the accused persons including the petitioner for the offence u/s 406, 420 and 120(B) of the IPC.

Having heard the parties and from perusal of the impugned order, it is clear that the informant appeared before



the Court below through virtual mode and submitted that there was an agreement made between the informant and the accused persons including the petitioner for selling the land for which Rs.2 Crore 18 Lakhs had been paid. After getting the payment, accused persons had not executed the sale deed as per the terms and conditions of the agreement and on one pretext or other they are either avoiding to return the money paid to them or threatening the informant. Rs. 2 Crore 18 Lakhs has been paid in the following manner:-

The co-accused Santosh Kumar has been paid Rs.1,20,00, 000/- (One Crore Twenty Lakhs) through cheque and draft, Vishnu Dayal Rai has been paid Rs.15,00,000/- (Fifteen lakhs) through cheque and draft and Rs.83,00,000/- (Eighty Three Lakhs) has been paid in cash to Santosh Kumar, petitioner, Vishnu Dayal Rai and Rajpatiya Devi. It is admitted fact that accused persons including the petitioner had received Rs.2 Crore 18 Lakhs from the informant and his brothers but sold their land in favour of another person. The present case is lodged for cheating against the accused person including the petitioner and angle of conspiracy cannot be ruled out at this stage.

Having regard to the facts and circumstances of case, I



am not inclined to grant the privilege of anticipatory bail to the petitioner named above. The prayer for grant of anticipatory bail on her behalf is rejected.

This application is accordingly dismissed.

(Anjani Kumar Sharan, J)

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