

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53663 of 2021

Arising Out of PS. Case No.-394 Year-2020 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SAROJ DEVI wife of Ramjee Kewat Resident of Village - Dayalpur, Police
Station - Chandi, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaushal Kishore Kewat Son of Late Yadunandan Kewat Resident of Village
- Dasturpar, Police Station - Chandi and District - Nalanda.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar No.2, Advocate
For the Opposite Party/s	:	Mr.Kumar Veerendra Narayan, APP
For the Informant	:	Mr.Ravi Shankar Pankaj, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Complaint Case No. 394(C) of 2020 in which cognizance has
been taken under Sections 406 and 420 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a lady having clean antecedent and is sister of the
complainant and the complainant alleges that about 7-8 years
back he gave Rs. 20 lacs to the petitioner for education of her
children, thereafter it is alleged that the complainant had a talk
with his sister for purchasing 21 decimal of her land as detailed
in the F.I.R. on which his sister made a demand of Rs. 21 lacs,
accordingly on 10.12.2011, the complainant gave Rs. 20 lacs to



his sister and documents were prepared and rest of the amount was to be paid by 06.12.2014. The complainant on several occasions requested his sister to execute the sale deed but his sister always avoided and when he realised that the sale deed would not be executed then he requested for returning his amount and came to know that his sister was trying to sell the land to some other person thus he went to her house for demanding money when the accused persons assaulted him by fists and slaps.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, the complainant and the petitioner are own brother and sister, it is next submitted that it absolutely does not stand to reason that the complainant would have given Rs. 20 lacs by way of cash for education of children of the petitioner. Learned counsel submits that had the informant given any money to the petitioner for the education of her children then definitely in order to prove his capacity he would have brought some documents on record by way of income tax return or any other available document to show that he had the potential to loan such a big amount in 2011. It is further submitted that even presuming what has been alleged is true without admitting then also as on date, the informant cannot recover the said amount by way of money suit, thus if



what the informant alleges is true then the informant ought to have resorted to remedies available to him in law and criminal case definitely is not a tool for settling civil disputes.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the nature of dispute is civil and if the informant had really loaned the amount to his sister and intended to get his money back then he had remedy available but he did not resort to such remedy.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Complaint Case No. 394(C) of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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