

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45437 of 2022**

Arising Out of PS. Case No.-629 Year-2021 Thana- PATLIPUTRA District- Patna

Binu Mishra W/O Rakesh Mishra Alias Rakesh Kumar Mishra R/O Village-
Rajapara Chanpa Near Raj Mahal, P.S.- Town, District- Jajgeer Chanpa
(Chhatishgarh)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the State	:	Mr. Khurshid Anwar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Patliputra
P.S. Case No. 629 of 2021 registered for the offence under
Sections 406 and 420 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 03.04.2022.

The allegation against the petitioner is to cheat



informant for a sum of Rs.31,25,000/- (Rupees Thirty One Lakh Twenty Five Thousand), while dealing with a piece of land located in Patiliputra Colony of Patna, alongwith her husband.

Learned counsel appearing on behalf of the petitioner submitted that from perusal of the F.I.R., it appears that the thrust of allegation of cheating, which is founded over dealing with a piece of land is available against the husband of this petitioner, namely, Rakesh Mishra, who is also in custody. It is submitted that petitioner implicated in this case only being the wife of Rakesh Mishra, who is the main accused of this case and also for the reason that she is the joint signatory of the alleged bank account through which the transaction with informant was made. While concluding the argument, it is submitted that petitioner is a lady and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, while opposing the prayer of bail, submitted that petitioner is also one of the signatory of joint bank account with main co-accused, namely, Rakesh Mishra.

In view of the facts and circumstances, as mentioned above, as thrust of allegation, as regard to cheating, is available



against co-accused, namely, Rakesh Mishra, where petitioner is a lady coupled with the fact that chargesheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Patliputra P.S. Case No. 629 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-X, Patna/concerned Court, subject to the following conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.



(iii) That one of the bailors shall be
Dharmendra Kumar Jha, who is the brother-
in-law of the petitioner and deponent of the
present bail petition.”

(Chandra Shekhar Jha, J)

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