

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60907 of 2021

Arising Out of PS. Case No.-112 Year-2021 Thana- DEEPNAGAR District- Nalanda

SUSHMA SINHA W/o Ramjanam Prasad Resident of Village- Lalbag, P.S.-
Deepnagar, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

The petitioner apprehends her arrest in a case registered for the offence punishable under Sections 403, 406, 341, 323, 308, 504, 506/34 of the Indian Penal Code.

Allegedly, the informant by mistake sent Rs.2,95,000/- in the account of the husband of the petitioner and when the informant came to know about the same, he obtained the address and whereabouts of the receiver and requested him to return the money. The petitioner and her husband assured to



return the same within one or two days, but they did not return the money. On the alleged date of occurrence, the informant again made a request to return the money, but the petitioner and her husband abused him and refused to return the amount. They also assaulted the informant by means of iron rod and danda on his head and assaulted on his chest by bricks, stones and fist.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. She has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that the real fact is that the informant has borrowed Rs.3,00,000/- to execute a sale deed of land situated in the town of Nawada and when the husband of the petitioner demanded the money, then the informant returned the money in the account of her husband and even today the entire amount has not been paid by the informant. It is further submitted that the occurrence took place on 10.04.2021, whereas the F.I.R. has been lodged after a delay of six months on 19.10.2021, without any plausible explanation and the same creates doubt about the prosecution case. Petitioner has no criminal antecedent.



Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering the delay in lodging the F.I.R., let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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 Deepnagar P.S. Case No.112 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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