

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67457 of 2021**

Arising Out of PS. Case No.-907 Year-2020 Thana- BHABHU(KAIMUR) COMPLAIN C
District- Kaimur (Bhabua)

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Kanchan Devi Wife Of Shankar Kumhar Resident Of Village- Deohaliya,
P.S.- Ramgarh, District- Kaimur At Bhabua.

... .. Petitioner/S

Versus

1. The State Of Bihar
2. Raghwendra Pratap Singh Resident Of Village- Deohaliya, P.S.- Ramgarh,
District- Kaimur At Bhabua.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Shyam Bihari Singh, Advocate
For the State	:	Mr.Binod Kumar, Addl Public Prosecutor
For opposite party no.2	:	Mr. Chandra Mohan Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

- 3 06-07-2022 Heard learned counsel for the petitioner, the State
and opposite party no.2 .

The petitioner apprehends arrest in a case registered
for the offence punishable under section 406 of the Indian Penal
Code.

Prosecution case is that the petitioner took
Rs.10,11,000/- from the complainant in lieu of selling her land
but she neither executed the sale deed as promised by her nor
did she return the money.



Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He submits that the petitioner is land less and the complainant has not given details of the land which was to be executed to him in lieu of the alleged payment by him. Instant case is counter blast of Complaint case no. 355 of 2020 dated 4.6.2020 (Annexure 2) filed by the petitioner against the complainant. Even no receipt of payment has been brought on record. It is also submitted that the dispute is of civil nature. Petitioner has got no criminal antecedent.

Learned counsel for opposite party no.2 opposes the prayer for bail. By filing counter affidavit, he submits that the plea of the petitioner to be a landless lady appears to be incorrect because on two dates, namely, 11.6.2020 and 22.1.2021 she had sold some lands in the name of two different persons vide sale deeds contained in Annexure A and A/1.

Considering the nature of allegation, prayer for bail of the petitioner is allowed. In the event of arrest/surrender within six weeks from today, let the petitioner mentioned above be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1st class, Kaimur at Bhabua in



Complaint case no. 907 of 2020, subject to the conditions laid
down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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