

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16949 of 2023

Arising Out of PS. Case No.-507 Year-2022 Thana- DEHRI TOWN District- Rohtas

Afsana Khatoon W/O Md. Khurshid Khan R/v- Neelkothi, Near Balwant Ke
Hata, Ward No. 31, P.S.- Dehri Town, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the Opposite Party/s	:	Ms. Dr. Indihar Kumari, APP
For the Informant	:	Mr. Ajay Kumar Tiwari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 18-07-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant as well as learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail who is in custody since
07.09.2022 in connection with Dehri (T) P.S. Case No. 507 of
2022, F.I.R. dated 11.07.2022 for the offences punishable under
Sections 406, 420/34 of the Indian Penal Code.

According to prosecution case, the petitioner has
executed one agreement for sale of her house and for that the
informant has paid Rs. 12 lakhs to her for the same but after the



lock-down, the petitioner denied executing the sale deed. It is further alleged that the petitioner has made another agreement to sale of that very land to one other person with the malafide intention to grab the money of the informant.

Learned counsel for the petitioner submits that petitioner is innocent and she has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not enter into any agreement for the sale in favour of the informant. He further submits that the informant had not produce any evidence with regard to the amount in question which was allegedly been received by the petitioner from the informant. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 07.09.2022.

The learned counsel appearing on behalf of the informant on the other hand draws the attention of Mahadanama dated 12.03.2020 in which the petitioner has received Rs. 2 lakhs from the informant and thereafter, the same has been extended by the agreement of both the parties and in Mahadanama dated 09.05.2020 in which the petitioner has received Rs. 10 lakhs from the informant. He further submits



that altogether Rs. 12 lakhs has been received by the petitioner and the petitioner has not enter the land in question in favour of the informant and thereafter, the petitioner has entered into an agreement with one Salman Zafar with respect to the same land in question vide agreement dated 28.07.2020.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Dehri (Rohtas) in connection with Dehri (T) P.S. Case No. 507 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.



2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Vanisha/-

U		T	
---	--	---	--

