

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19269 of 2023

Arising Out of PS. Case No.-140 Year-2022 Thana- SAHPUR District- Patna

PRIYA KUMARI @ PRIYA MISHRA W/O PRABHAT KUMAR RANJAN
@ UDAY SAMRAT @ UDAI SAMRAT R/O VAIDEHI APARTMENT,
JAGDEO PATH, P.S- RUPASPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. KANCHAN LATA W/O SUBHASH CHANDRA VERMA R/O VILLAGE-
BRAHAMPUR, P.O AND P.S- BRAHAMPUR, DISTT.- BUXAR, A/P
FLAT NO. 309, SHIVAM APARMENT, NAHAR ROAD, SAIDPUR, P.S-
GOPALPUR, DISTT.- PATNA.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 16-05-2023

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Shahpur P.S. Case no.140 of 2022 registered under sections 406, 420 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that they had paid two cheques of Rs.3,86,400/ for their booking in the housing project of which the proprietors were the petitioner and her husband. Inspite of promise of the proprietors that they would complete the project in three years, one year having passed they had not even started the construction work.



On the informant asking for refund of their money, the same was not returned and thus the F.I.R.

4. Learned counsel for the petitioner submits that even from the contents of the F.I.R., it would transpire that the dispute narrated in the F.I.R. is purely a commercial dispute. Even the statement attributed therein to the petitioner and her husband that they would complete the project within three years, the period is not yet over and the F.I.R. was registered only after one year of payment of the money. The petitioner is in custody since 19.6.2022 and investigation in the case has concluded with submission of chargesheet. Learned counsel lastly submits that out of the criminal antecedents mentioned in paragraph no.3 of the petition, the petitioner has been enlarged on bail in three cases.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation which in the opinion of the Court is in the nature of commercial dispute between the parties, the petitioner having remained in custody for about one year since 19.6.2022 and investigation in the case having concluded with submission of chargesheet, the Court directs the petitioner to be enlarged on bail in connection with



Shahpur P.S. Case no.140 of 2022 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Danapur, District Patna.

7. It is made clear that the observations made herein are solely for the purpose of the instant bail application and shall not be used by either of the parties in any proceedings connected with the case.

(Partha Sarthy, J)

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