

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35945 of 2023

Arising Out of PS. Case No.-766 Year-2021 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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BIMLA PASWAN @ VIMLA PASWAN Wife of Dilip Kumar Paswan R/O-
Lal Kothi Road, Near Delhi Public School Road, Katihar, P.S.- Katihar, Distt.-
Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chinta Devi Wife of Late Dipak Paswan R/O- Lal Kothi Road, Near Delhi
Public School Road, Katihar, P.S.- Katihar, Distt.- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Sanjeev Kumar Singh, Advocate
For the Opposite Party/s :	Mr. Rajendra Nath Jha, APP
For the O.P. no. 2 :	M/s Ratnakar Ambastha Rajendra Prasad Sah, Advocates

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-09-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the opposite party no.

2.

2. The petitioner has preferred this application for
grant of anticipatory bail apprehending his arrest in connection
with Complaint Case no. 766 of 2021 in which cognizance has
been taken under sections 406, 420 and 120B of the Indian
Penal Code.

3. As per the prosecution case, the complainant states
that an agreement was entered into between the parties with
respect to the land described in paragraph no. 2 of the complaint
for consideration of Rs. 30,00,000/- against which the husband



of the complainant paid total a sum of Rs. 20,00,000/- in instalments to the accused persons. The husband of the complainant died on 7.9.2019 because of cancer. Neither the aforesaid sum was returned nor the sale deed executed. Hence the complaint.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. From perusal of the contents of the complaint petition it would transpire that even accepting the allegation mentioned therein, the same is purely a civil dispute. No details of the mode of payment of the sum of Rs. 20,00,000/- has been given to the petitioner nor any agreement brought on record. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned APP for the State and learned counsel for the opposite party no. 2. Learned counsel for the opposite party no. 2 submits that there is direct allegation against the petitioner of having cheated the complainant and her husband of a sum of Rs. 20,00,000/-. It is further submitted that the allegations are further substantiated from the contents of the agreement brought on record as Annexure R-B to the counter affidavit filed on behalf of the opposite party no. 2 wherein the petitioner has agreed to return



the aforesaid amount of Rs. 20,00,000/-. Learned counsel for the petitioner in reply submits that the document brought on record as Annexure R-B is forged and concocted document which would be evident from the fact that the same is said to have been executed on 9.11.2020. Although the complaint has been filed subsequent thereto on 13.7.2021, the same does not find mention therein.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the submission, specially in reply, made on behalf of the petitioner together with the petitioner not having any criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned court below within a period of four weeks, be released on anticipatory bail in connection with Complaint Case no. 766 of 2021 on furnishing bail bond of Rs 10,000/- (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Katihar.

(Partha Sarthy, J)

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