

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37801 of 2023

Arising Out of PS. Case No.-448 Year-2022 Thana- TAJPUR District- Samastipur

SUNITA DEVI W/O YUGESHWAR RAY R/O Village- Darba, PS. Tajpur
(Halai O.P), Dist. Samastipur, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 21-07-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Tajpur (Halai O.P.) PS case no. 448 of 2022, registered for the offences punishable under Section 354B and other allied sections of the Indian Penal Code.
3. The allegation is regarding the informant having given a sum of Rs. 10 lacs to the petitioner (sister of the informant) and her husband for the purposes of purchasing land, however, subsequently, neither the land was purchased for the informant nor the money was returned.
4. The learned counsel for the petitioner submits that the petitioner is innocent, she has been falsely implicated in the present case and is having a clean antecedent. The learned counsel for the petitioner has further submitted that there is no



proof regarding handing over of a sum of Rs. 10 lacs by the informant to the petitioner and her husband, however, the actual fact is that the petitioner had taken a sum of Rs. 2,50,000/- by way of loan from the informant and with interest, she returned back a sum of Rs. 2,91,000/-, before *Panches*, after *Panchayati* was held.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that there is no material on record, much less in the impugned order dated 20.04.2023 to show any proof of exchange of money, apart from the fact that the dispute in question, *prima facie* appears to be in the nature of a civil dispute, I deem it fit and appropriate to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of her arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with



two sureties of the like amount each to the satisfaction of learned court of Additional Chief Judicial Magistrate-I, Samastipur in connection with Tajpur (Halai O.P.) PS case no. 448 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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