

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45313 of 2023

Arising Out of PS. Case No.-35 Year-2020 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Bina Devi aged about 37 years, Female, Wife of Sanjay Prasad Soni @
Sanjay Kumar Soni resident of Village- Hariharpur, Ps- Yadopur, Dist-
Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Deepak Sah Son Of Late Bindeshwari Sah Resident Of Village- Yadopur
Sukul, Ps- Yadopur, Dist-Gopalganj.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Upadhyay, Advocate
For the Opposite Party/s : Mr. Ashok Kumar Singh, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 07-11-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in

connection with Complaint Case No. 35 of 2020, Tr. No. 1937

of 2023 dated 05.01.2021 registered for the offence punishable

u/s 406 of the Indian Penal Code.

4. As per the prosecution case, the accused persons

got a sale deed executed from the complainant and the



complainant received Rs. 2 lakhs out of the negotiated consideration amount i.e. Rs. 3 lakhs. To this date complainant has not received remaining Rs. 1 lakh of the consideration amount from the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that petitioner is a lady and she has already paid the entire amount as mentioned in the sale deed to the complainant. Learned counsel further submitted that actually after selling of the land the complainant felt himself that the land was sold at low price and now the price of the land has gone very high so he tried to create pressure upon the petitioner to get extra amount of one lac from the petitioner. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari Vs. State of Bihar and others (Special Leave Petition (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that "*we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail.*" The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently



opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gopalganj in connection with Complaint Case No. 35 of 2020, Tr. No. 1937 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Nilmani/-

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