

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46178 of 2022

Arising Out of PS. Case No.-104 Year-2022 Thana- BALIYA District- Begusarai

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Sarita Devi W/O Pandav Kumar Resident Of Village- Sadpur, P.S.- Sahebpur
Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 47987 of 2022
Arising Out of PS. Case No.-104 Year-2022 Thana- BALIYA District- Begusarai

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Pandav Kumar Son Of Laddulal Mahto Resident Of Village- Sadpur, Police
Station - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 46178 of 2022)
For the Petitioner/s : Mr.Shiva Shankar Sharma
For the Opposite Party/s : Mr.Anant Kumar 1
(In CRIMINAL MISCELLANEOUS No. 47987 of 2022)
For the Petitioner/s : Mr.Shiva Shankar Sharma
For the Opposite Party/s : Mr.Anant Kumar 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioners and

learned A.P.P appearing on behalf of the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under



Sections 420, 120(B), 34 of the Indian Penal Code.

The prosecution case as per F.I.R is that the informant runs C.S.P Centre, Benith, S.B.I Branch of Lakhmania situated in L.C. Market. One day, he received a phone call from one Deepak Kumar who told that he would send some money and requested the informant to hand over the same to his mother. The informant initially denied but when Deepak Kumar told that due to marriage of his sister, he had to send money, he agreed for the same. The informant arranged the account of his friend and told Deepak Kumar to send the money in the account of his friend. The said Deepak Kumar sent total Rs. 5,62,500/- on different dates in different amount and the same was handed over to petitioner/Sarita Devi. The friend of the petitioner was informed by the Bank that his account has been put on hold and he was told to contact Satna Kotwali Police. When the friend of the informant contacted the police, he was told that he had committed fraud and cheated the account holder Mamta



Singh. The said Deepak Kumar again called the informant and told to transfer some money and requested to hand over the same to the petitioner/Sarita Devi. However, when the petitioner/Sarita Devi along with her husband petitioner/Pandav Kumar came to receive the money, they were apprehended and handed over to the police station. When the informant has seen the account statement, he found that money was sent in the account through the account of one Mamta Singh through different modes and when the informant contacted Mamta Singh and told about the fraud and told that he had apprehended the culprits, she did not respond. Hence, the informant suspects that all the accused persons have conspired in the commission of fraud.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. The money received by the petitioner/Sarita Devi to the informant has been



deposited by her in the account of her husband which has been kept on hold by the police and no withdrawal has yet been made from the account of the husband of the petitioner/Sarita Devi. A supplementary affidavit has been filed to the effect that one Seema Kumari who happens to be the sister of the petitioner/Sarita Devi has already deposited Rs. 5,70,000/- in the account of Mamta Singh through Cheque on 18.04.2022 which has already been withdrawn by said Mamta Singh. The account details displaying deposit of Rs. 5,70,000/- in the account of Mamta Singh has been brought on record as Annexure-2 to the supplementary affidavit. The petitioners are languishing in custody since 17.04.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like



amount each to the satisfaction of learned Chief Judicial
Magistrate, Begusarai in connection with Balia P.S. Case
No. 104 of 2022.

(Sunil Kumar Panwar, J)

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