

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54957 of 2023

Arising Out of PS. Case No.-262 Year-2021 Thana- MANJHI District- Saran

SARITA DEVI W/O MUNNA KUMAR MAHTO R/O VILLAGE- MANJHI
GARH BAZAR, PS. MANJHI, DIST. SARAN, CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is in judicial custody in connection with Manjhi P.S. Case NO. 262 of 2021 registered under Sections 420, 406, 504 506 and 120B of the Indian Penal Code lodged on 08.08.2021 by the informant, Gorakh Prasad.

As per the prosecution story, the allegation is that the accused persons demanded Rs. 5 lakhs for business and he gave Rs. 4,84, 899/- which went to the account of the petitioner and as they failed to return, the legal notice followed by FIR.

It is the case of the petitioner that her '*dewar*', a Contractor took the loan from the informant (Rs. 4,84,899/-) and used her account for the said transaction as a result whereof she became an accused as her '*dewar*' failed to return the



amount. It is his further submission that the petitioner returned the amount to the informant through cheque, and ATM and the same has been recorded in paragraph nos. - 6, 7, 8 & 9 of the case diary in which the informant's brother and wife have accepted this fact.

Learned APP for the State opposes the prayer for bail stating that the amount went to her account.

The account was used by her 'dewar', Bhuneshwar Mahto, she being a house lady was used by her 'dewar' for which she has remained in custody since 27.04.2023, as stated in paragraph-12 of the petition. As per the statement made in paragraph -10, the amount has been returned through cheque and ATM.

This Court has taken into account the aforesaid facts coupled with the fact that she is a lady and as such is inclined to grant her privilege of bail. However, the Court concerned will verify the paragraph-10, as stated about the payment is correct or not and the amount returned or not. If the payment has not been made, the bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial



Magistrate, 1st Class, Saran at Chapra in connection with Manjhi
P.S. Case No. 262 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of
the petitioner who shall provide official document to show
his/her *bona fide*;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reason will entail cancellation of his/her
bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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