

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54175 of 2022

Arising Out of PS. Case No.-519 Year-2021 Thana- AURANGABAD TOWN District-
Aurangabad

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CHINTA DEVI Wife of Late Ramashish Singh Shahpur Akhara, Ward No.-
27, Aurangabad, P.S.- Town, District - Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh, Advocate
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

4 30-01-2023 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.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case

registered for the offences punishable u/s 406 and 420/34 of the

Indian Penal Code.

As per the prosecution case, the accused persons

contacted the informant and proposed to purchase the said land

from the petitioner Chinta Devi. The land appearing to Khata

No. 231, Plot No. 2284, area 05 decimal was agreed to be sold

to the informant on consideration money of 55 lakhs. It is



further alleged that the informant paid Rs. 17,50,000/- in the account of the co-accused Nikesh Kumar Singh but later on they refused to execute the sale deed in favour of the informant. Then the informant inquired the matter regarding the said land and then he came to know that he was cheated by the petitioner and the co-accused persons. He further alleged that Nikesh Kumar Singh returned Rs. 4 lakhs in the account of the informant and the rest amount of 16 lakhs is due. On 14.11.2021 it has been alleged that the petitioner refused to return the said dues amount.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He has submitted that it is a case of recovery of money and it is also a suit of civil nature. He has further submitted that the co-accused Nikesh kumar Singh agreed before the police station Muffasil, Aurangabad that he was ready to return the dues money to the informant. The petitioner did not receive any amount from the informant. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. Learned counsel for the petitioner placed reliance on the judgment in the case of **Bimla Tiwari vs. State of Bihar & 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 of bail.”

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the petitioner being lady, 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, Aurangabad in connection with Aurangabad (Town) P.S. Case No. 519 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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