

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.562 of 2023

Arising Out of PS. Case No.-2909 Year-2021 Thana- PATNA COMPLAINT CASE District-
Patna

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SONAL SETH WIFE OF LATE HITESH SETH R/O 51/1A/12, RABINDRA SARANI, FIRST FLOOR, TIRUPATI APARTMENT LILUAH (HAWRAH), P.S.- LILUAH, DISTRICT- HAWRAH, WEST BENGAL

... .. Petitioner/s

Versus

1. The State of Bihar
2. M/S A.S.K. ENTERPRISES GUPTA MANSION, BAKERGANJ PATNA-800004 THRU ITS PROPRIETOR KANHAIYA LAL JOSHI AGED ABOUT 50 YEARS, S/O LATE PRATAP RAI JOSHI, R/O MAHESHWARI MARKET, 1ST FLOOR, MURADPUR, ASHOK RAJPATH, P.S.- PIRBAHORE, DISTRICT- PATNA, PIN-800004

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr.Shailesh Kumar, Adv.
For the Opposite Party/s :	Mr.Binod Kumar, APP
	Md.Aslam Ansari, Adv.
	Mr.Sharfraz Ahmad, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 27-02-2023 Heard learned counsel for the petitioner, learned counsel for the O.P. No.2 and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner has filed a rejoinder to the counter-affidavit. Let it be taken and kept on record.

Petitioner apprehends her arrest in a case registered for the offence punishable u/s 420, 406, 504 and 506 of the IPC.

Allegedly, petitioner directed her authorized signatory Hitesh Seth to issue a cheque of Rs.7,90,018/- of Canara Bank in lieu of ornament sold by the complainant but the same got



dishonored with the remark of funds insufficient.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. She has been falsely implicated in this case merely on suspicion. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that petitioner is not the owner of the said firm. The same belongs to her husband, which is clear from Annexure-P/1 of the bail application. Her husband used to run the firm in the name of petitioner and she was unaware of any transaction of complainant with Sonal Jewellers. It is further submitted that petitioner is a house wife and her husband was running the business of jewellers and from bank account as well as GST return, it is evident that the legal name of the business is under the name of Hitesh Sheth and trade name is Sonal Jewellers, not Sonal Sheth (petitioner). After the death of the petitioner's husband, the complainant falsely implicated the petitioner to extort money illegally. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the O.P. No.2 opposed the prayer for bail by submitting that petitioner is the proprietor of the said firm and after giving



cheque of Rs.7,90,018/-, the same got dishonored by the bank because of lack of sufficient funds, therefore, complainant filed the complaint in the learned court below.

Having regard to the facts and circumstances of the case, since it is a matter of business transaction between the parties, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Complaint Case No.2909(c)/2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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