

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6835 of 2024

Arising Out of PS. Case No.-86 Year-2022 Thana- EAST COLONY District- Munger

Gita Devi W/o Late Gauri Shankar Prasad Resident of Mohalla- Bekapur,
P.S.- Kotwali, District - Munger.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indu Bhushan, Advocate

For the Opposite Party/s : Mrs.Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 17-02-2024 Heard learned counsel for the petitioner learned APP

for the State as well as learned counsel appearing on behalf of
the informant.

2. In the present case, the petitioner is apprehending her arrest in connection with East Colony P.S. Case No. 86 of 2022, registered on 24.11.2022 for the offences under Sections 420, 406, 120B, 506/34 of the Indian Penal Code.

3. As per prosecution case, the co-accused persons induced the informant for making payment of Rs. 1,56,00,000/- (One Crore Fifty Six lakhs) to the co-accused persons. The allegation against the petitioner is that she stood guarantor on behalf of her co-accused son Manish Kumar, who took the



money and later on, refused to return the money taken from the informant and threatened the informant with false implication and also to do away with his life.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. Learned counsel submits that the petitioner has not entered into agreement to execute sale deed in lieu of money given to other co-accused persons. From the FIR it is apparent that the informant gave the money to the co-accused persons at the instance of Ashok Kumar Mehta and other co-accused persons prepared the agreement and it is civil dispute over monetary transaction. No transaction has been made by the petitioner with the informant. No document has been brought on record to show the agreement or its nature or whether the said documents were registered. The petitioner has not taken a single farthing from the informant and she has been roped in this case without any material. Learned counsel further submits that three cases are pending against the petitioner apart from the present case and she is on bail in all three cases.

5. Learned APP as well as learned counsel appearing on behalf of the informant oppose the submission made on behalf of the petitioner. Learned counsel for the



informant submits that the petitioner executed an agreement to sell her house in case the co-accused persons failed to return the money but subsequently, she denied executing such agreement. The petitioner also threatened the informant. Learned counsel for the informant further submits that the petitioner is having criminal antecedent of similar nature.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the petitioner is a lady and there is no direct allegation against her which is quite specific against other co-accused persons and further considering the possibility of false implication, let the petitioner above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Munger/concerned court in connection with East Colony P.S. Case No. 86 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.



(ii) The petitioner will remain present
on each and every date fixed by the
court below, if so required by the
learned trial court.

(Arun Kumar Jha, J)

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