

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8768 of 2024

Arising Out of PS. Case No.-3745 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Mamta Devi WIFE OF Shashi Kant Mishra Village - Huraka, P.S -Tilauthu,
District -Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shiv Pati Kumar Son Of Shiv Nandan Singh Resident Of Village- Parsa Bazar, Ps- Parsa Bazar, Distt- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Tiwari

For the Opposite Party/s : Mr.Anil Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-03-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case
registered for the offences punishable under Section 406 of the
Indian Penal Code.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
complainant alleges that on request of all the accused persons,
including the petitioner, the complainant agreed to give friendly
loan for their business and accordingly, money was transferred
by the complainant and his brother, in the account of the
accused persons, as detailed in the complaint and the petitioner



was given an amount of Rs. 2.71 lakhs in cash.

4. The learned counsel next submits that from perusal of the allegations as alleged in the complaint, it would manifest that as far as this petitioner is concerned, against her it is alleged that she was given an amount of Rs. 2.71 lakhs in cash, but then there is no detail as to when the amount was given, in whose presence it was given. It is also submitted that the complainant is a resident of Patna, while the petitioner is a resident of Rohtas, which is more than 300 kilometers away from Patna and it is next submitted that the petitioner is neither an acquaintance nor a relative of the complainant, as such it absolutely does not stand to reason that on what basis an amount of Rs. 2.71 lakhs was given to the petitioner in absence of any agreement. It is further submitted that Shashi Kant Mishra and three others had moved this court seeking anticipatory bail by filing Criminal Miscellaneous No. 11341 of 2024 and the same was allowed by an order dated 22-2-2024 by a learned coordinate bench. It is further submitted that the case of the petitioner is on a better footing.

5. The learned APP along with the learned counsel appearing on behalf of the OP No.2 opposes the anticipatory bail application.



6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 3745C/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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