

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18558 of 2024

Arising Out of PS. Case No.-548 Year-2023 Thana- ARA NAGAR District- Bhojpur

Suchitra Singh wife of late Ashutosh Singh Mohalla -mp Bagh, Gyani Clinic,
PS- Ara Town ,District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Advocate

For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 15-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Ara (Town) P.S. Case No. 548 of 2023 dated 15.07.2023,
instituted for the offence punishable under Sections 406 and 420
of the Indian Penal Code.

3. The prosecution story, in short, is that the informant
alleged that the petitioner expressed desire to sell her house as
she was in need of money. The consideration money was
finalised at the rate of Rs. 30,00,000/-. The petitioner received
Rs. 11,00,000/- in advance, and the sale deed was to be executed
on receiving due amount, but later the petitioner denied to do so
and also denied returning the advance amount and threatened to
kill him.



4. Learned counsel for the petitioner submits that the petitioner is innocent and she has been falsely implicated in this case. It is further submitted that this case has been lodged against the petitioner for breach of contract. It is further stated that husband of the petitioner (late Dr. Ashutosh Singh) was a renowned medical practitioner of Ara. The informant is a member of property dealer gang. The husband of the petitioner in the year 2017 had given altogether Rs. 15,00,000/- to one property dealer for purchasing a plot for the purpose of constructing a hospital but soon thereafter the husband of the petitioner was detected with cancer and after prolonged treatment he died in the year 2018. The husband of the petitioner had told her about the payment made to Jai Kumar Singh but she is not having any proof of the same. The petitioner asked him to return the amount given by her husband. The said Jai Kumar Singh returned only Rs. 11,00,000/- through the alleged two cheques and Rs. 4,00,000/- was still remaining. It is further stated that the nature of allegation is of civil nature and for that civil remedy is available to the informant and offences under Section 406 and 420 of the I.P.C. is not made out in the facts and circumstances of the case. Lastly, it has been submitted that petitioner has no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Ara (Town) P.S. Case No. 548 of 2023, She shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Ara, District- Bhojpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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