

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21590 of 2024

Arising Out of PS. Case No.-426 Year-2023 Thana- MUFFASIL District- Aurangabad

Madhu Devi @ Madhu Singh W/o Dinesh Kumar Singh R/o Village- Rathua,
P.S- Aurangabad Muffasil, Distt.- Aurangabad (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP
For the Informant	:	Mr. Shashank Shekhar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 24-04-2024 Heard Mr. Shailesh Kumar Singh, learned counsel
for the petitioner, Mr. Shashank Shekhar, learned counsel
appearing on behalf of the informant as well as Mr. Rajendra
Singh, learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Aurangabad Muffasil P.S. Case No. 426 of
2023, F.I.R. dated 07.10.2023 for the offences punishable under
Sections 406, 420, 467, 468/34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along
with her husband has committed fraud with the informant by
selling him land which was already mortgaged with the Bank.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and she has falsely been



implicated in the present case. He further submits that as per the allegation in the F.I.R, the petitioner has sold the land in question to the informant after having the knowledge that the said land was mortgaged with the Punjab National Bank. He further submits that when the informant purchased the land, the same land was sold out in auction by the said Bank and the possession of the land has been transferred to one Nira Devi. He further submits that on instruction, the petitioner is ready to pay all the total consideration amount to the informant which she has received from the informant i.e. Rs. 42,50,000/- (Forty two lakhs and fifty thousand only).

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of ten weeks' from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Muffasil P.S. Case No. 426 of 2023, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall produce a demand draft of Rs. 25,00,000/- (Twenty five lakhs only) in favour of the informant, namely, Rahul Kumar at the time of furnishing the bail bond and the learned Court below is directed to hand over the said demand draft to the informant or his representative and the rest amount i.e. Rs. 17,50,000/- (Seventeen lakhs and fifty thousand) shall be paid within a period of six months. If the petitioner fails to pay the remaining amount of Rs. 17,50,000/- to the informant within the aforesaid period then the informant has liberty to move before the learned Court below for cancellation of the bail bond of the petitioner. And after receiving the entire amount from the petitioner, the informant shall move before the learned Court below for withdrawal of his criminal case.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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