

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40388 of 2024

Arising Out of PS. Case No.-1357 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Balkeshwari Devi Wife of Late Saligram Pd. Resident of -Annibesent Road
,P.S -Pirbahore ,Dist- Patna, Pin- 800004

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Tilak Sao, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 26-10-2024 Heard Mr.Tilak Sao, learned counsel for the

petitioner, learned counsel for the informant and Mr.Narendra
Kumar Singh, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending her arrest in
connection with Complaint Case No.1357 of 2022, registered
for the offences punishable under Section 406 of IPC.

3. The prosecution case as stated by the complainant
Mukesh Kumar in his S.A., in brief is that on 12.10.2019 he
made an agreement with Balkeshwari Devi for 600 Sqft land for
consideration of 14.5 lakhs. At the time of agreement for sale he
gave Rs.1 lakh through RTGS. Ultimately he gave more than
Rs.14.5 lakhs to her in presence of witnesses. After paying full



money when he requested for registration then she started pretending. On 30.03.2022 legal notice was sent. In reply she backtracked. When he sent second notice then she started getting him threatened. On 02.11.2022 when he was going to his office then unknown persons stopped him and then abused and assaulted and also threatened him that he must forget his money.

4. Learned counsel for the petitioner outrightly submits that although allegation against the petitioner that she has received the total amount of Rs. 14,50,000/- (Rs.Fourteen Lacs Fifty Thousand) from the complainant but in fact she has received only Rs. 3,99,900/- (Three Lacs Ninety Nine Thousand Nine Hundred) from the complainant which she has received through the RTGS and Rs.1,00,000/- as cash (Rs.One Lac) and she has not received Rs. 5,00,000/- on 24.09.2011 and Rs. 6,50,100/- on 15.11.2021 and the complainant has refused that she has not put any thumb impression on 24.09.2011 and 15.11.2021 and on instruction learned counsel for the petitioner submits that the petitioner is ready to return Rs.3,99,900/- (Three Lacs Ninety Nine Thousand Nine Hundred) to the complainant at the time of furnishing bail bond and rest amount is subject to the result of the case.

5. Learned A.P.P. for the State and learned counsel for



the informant have no objection in this regard.

6. In view of the aforesaid, let the petitioner, above named, in the event of her arrest or surrender before the court below within a period of thirty days 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 learned Judicial Magistrate, 1st Class, Patnacity, Patna in connection with Complaint Case No.1357(C)/2022, 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 deposit Rs.3,99,900/- (Three Lacs Ninety Nine Thousand Nine Hundred) by way of demand draft in favour of the complainant at the time of furnishing bail bond and the learned court below is directed to hand over the same to the complainant or his representative and rest amount is subject to the result of the 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/her absence on two consecutive dates without sufficient reason, his/her 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/her 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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