

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40972 of 2024

Arising Out of PS. Case No.-429 Year-2022 Thana- BAHADURPUR District- Patna

SARITA DEVI W/O VINAY KUMAR R/O MOHALLA- RAMKRISHNA
COLONY, BACK OF KELA MANDI BAZAR SAMITI, P.S-
BAHADURPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surya Narayan Yadav

For the Opposite Party/s : Mr. Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 02-08-2024 1. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. This application, for grant of regular bail, arises out of Bahadurpur Police Station Case No. 429 of 2022, dated 14.12.2022, disclosing offences under Sections 419/420/385/504/506/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report, is that there was a negotiation for sale of a piece of 07 kathas of land belonging to the petitioner with the informant at the rate of Rs. 7,11,000/- per katha. Out of the total consideration amount of Rs. 49,77,000/-, a sum of Rs. 25,00,000/- was paid by the informant, by way of cash and cheques, to the petitioner and her husband, namely, Vinay Kumar. It has further been alleged that son of the petitioner also actively participated in the



negotiation.

4. Learned counsel for the petitioner submits that the co-accused and son of the petitioner, namely, Abhishek Kumar, has been granted anticipatory bail by this Court in Cr. Misc. No. 48128 of 2023 and another co-accused, being husband of the petitioner, namely, Vinay Kumar, has also been granted anticipatory provisional bail by this Court in Cr. Misc. No. 69118 of 2023, subject to refund of a sum of Rs. 15,00,000/- to the informant within a period of six months.
5. Learned counsel for the informant opposes the prayer for bail and submits that a sum of Rs. 15,00,000/- was given to the petitioner and her husband, by way of cheque after which a sum of Rs. 10,00,000/- was given in cash. The remaining amount out of total consideration amount i.e. Rs. 15,00,000/-, which the husband of the petitioner agreed to return within a period of six months, only Rs. 8,00,000/- has been returned by him to the informant. He next submits that the period of six months is going to expire on 29th August, 2024.
6. Learned counsel for the petitioner in his reply submits that the balance amount of Rs. 7,00,000/- shall be returned by the husband of the petitioner to the informant



within the stipulated time period i.e. 29th August, 2024.

7. Regards being had to the submissions made by the parties and taking into consideration the fact that the husband of the petitioner has been granted anticipatory provisional bail, subject to return of Rs. 15,00,000/- to the informant/-, I am inclined to grant the petitioner provisional bail for two months if, as directed by this Court, the amount of Rs. 15,00,000/- is returned to the informant by 29th August, 2024.
8. This application is, accordingly, allowed.
9. Let the petitioner, above named, be released on provisional 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, Patna City, in connection to the Bahadurpur Police Station Case No. 429 of 2022.
10. It is made clear that on payment of Rs. 15,00,000/- to the informant, the provisional bail, granted to the petitioner, shall be confirmed by the concerned district court itself.

(Anil Kumar Sinha, J)

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