

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40632 of 2024

Arising Out of PS. Case No.-3240 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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Sonam Kumari Wife of Late Nirmal Saksen Resident of Gandhinagar Ramna,
P.S. - Town Motihari, District - East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sabbir Ahmad Son of Late Izhar Hussain Resident of Siswa, P.S.- Banjariya,
District - East Champaran, A/P Pakri Bajar, Bisatipatti, P.S.- Town Motihari,
District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 02-09-2024 1. Heard learned counsel for the petitioner and learned

A.P.P. for the State and the learned counsel appearing on behalf

of the complainant.

2. The petitioner apprehends her arrest in a case

registered for the offence punishable under Sections 341, 323,

406, 420, 504, 506 and 120B of the Indian Penal Code.

3. Learned counsel for the petitioner fairly submits

that it is not in dispute that an agreement for sale with respect to

the land in question as detailed in the complaint was entered in

between the petitioner and the opposite party but then for some

reason the sale deed could not be executed. It is further

submitted that petitioner accepts that she had received an



amount of Rs.15 lacs out of which Rs.3 lacs was credited in her account from account of one Rama Shankar. It is further submitted that it has been specifically pleaded at para-4 of the supplementary affidavit that an amount of Rs.3 lacs has already been credited in the account of Rama Shankar. It is also submitted that petitioner still is willing to pay an amount of Rs.12 lacs, which she owes to the petitioner. It is next submitted that legal notice, which was sent to the petitioner, the petitioner replied the legal notice and in the reply accepted that she owes an amount of Rs.15 lacs but then an amount of Rs.3 lacs, as recorded hereinabove, was credited in the account of Rama Shankar. It is also submitted that now O.P. No.2 has become wise and intends to coerce the petitioner into submission under the fear of arrest by filing the instant complaint case and wants the entire amount of Rs.15 lacs from her. The learned counsel for the petitioner further submits that the O.P. No.2 apart from instituting the instant complaint case also instituted an F.I.R., being Banjariya P.S. Case No.340/2023. It is thus submitted that the criminal cases have been instituted only to coerce the petitioner into submission, so that, the petitioner under fear of arrest parts with the fanciful demand of the complainant.

4. The learned counsel appearing on behalf of the



complainant does not dispute the fact that an amount of Rs.3 lacs was credited in the account of Rama Shankar but then submits that the amount though was returned by the petitioner in the account of Rama Shankar but then O.P. No.2 has not received the amount from Rama Shankar, on which, the learned counsel for the petitioner submits that it is between the O.P. No.2 and Rama Shankar to settle the accounts. The learned counsel appearing on behalf of the O.P. No.2 further submits that in the event if petitioner pays an amount of Rs.12 lacs, in that event, the anticipatory bail application of the petitioner shall not be opposed and at the same time the O.P. No.2 undertakes to withdraw the instant complaint case and the F.I.R. which has been instituted against the petitioner.

5. The learned counsel appearing on behalf of the petitioner submits that the petitioner is a widow and she was duped in the transaction by her own elder brother-in-law but then since the lands have been sold, hence she will repay the amount after she receives the left over consideration from the purchasers, who have purchased the land. The learned counsel for the petitioner further submits that on the date of surrender, the petitioner will pay an amount of Rs.3 lacs to the O.P. No.2 and the rest amount of Rs.9 lacs shall be paid within a period of



four months from the date of surrender.

6. After hearing the learned counsel for the parties, the petitioner above-named, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs.5000/- (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.3240/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. The learned trial court before accepting the provisional bail bond of the petitioner, shall satisfy that as to whether O.P. No.2 has received an amount of Rs.3 lacs on or before the date of surrender or not, and in the event, if it is found that the petitioner has not paid the amount of Rs.3 lacs to the O.P. No.2, in that event, the present provisional anticipatory bail order shall not be given effect to, but if the amount has been paid, the provisional anticipatory bail bond of the petitioner shall be accepted.

8. It is further made clear that if the rest of the amount i.e. Rs.9 lacs is not paid on or before 31.01.2025, the learned trial court shall be at liberty to cancel the provisional



anticipatory bail bond of the petitioner but if the amount is paid on or before 31.01.2025, in that event, the provisional anticipatory bail bond of the petitioner shall be confirmed.

9. The learned counsel appearing on behalf of the O.P. No.2, at this stage, submits that after payment of Rs.12 lacs is made to the O.P. No.2, the O.P. No.2 shall forthwith withdraw both the cases i.e. present complaint and Banjaria P.S. Case No.340/2023.

10. It is made clear that in the event if the O.P. No.2 does not withdraw both the cases, or breaches the undertaking given to this Court, in that event, the petitioner would be at liberty to bring the said fact to the notice of the Court.

(Satyavrat Verma, J)

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