

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51340 of 2024

Arising Out of PS. Case No.-295 Year-2022 Thana- KUDHNI District- Muzaffarpur

Baby Kumari, Wife of Vikash Kumar, Resident of Village- Kudhni, P.S.-
Kudhni, District- Muzafarapur, Bihar, Pin-844120

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Ms. Shilpi Keshri, Advocate Mr. Madhuripu Raj, Advocate
For the State	:	Mr. Binod Kumar, APP
For the Informant	:	Mr. Chandra Mohan Jha, Advocate Mr. Dhananjay Kumar Singh, Advocate Mr. Samrendra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 30-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. This is the second attempt of the petitioner to obtain pre-arrest bail in connection with Kudhni P.S. Case No. 295 of 2022 registered for the offences punishable under Sections 406, 420/34 of the Indian Penal Code. She has got no criminal antecedent.

3. As per the prosecution story, the allegation against the petitioner is that she executed a sale deed on the consideration amount of Rs.11 lakhs in respect of a property which was already mortgaged with the Bank.

4. Earlier, the application of the petitioner was rejected by this Court vide order dated 07.07.2023 passed in

Criminal Miscellaneous No. 28585 of 2023 after noticing that it is this petitioner who has executed a sale deed after receiving consideration amount of Rs.11 lakhs in respect of a property which was already mortgaged with the Bank.

5. Learned counsel for the petitioner submits that the husband of the petitioner has been later on granted privilege of pre-arrest bail by a learned co-ordinate Bench of this Court vide order dated 27.07.2023 passed in Criminal Miscellaneous No. 35621 of 2023, therefore, the petitioner be also granted the same relief.

6. On the other hand, learned counsel for the informant submits that while pleading for pre-arrest bail, the husband of the petitioner has, in fact, passed on the entire responsibility upon the petitioner which would be evident from the submissions made before the learned co-ordinate Bench wherein it is submitted that it was this petitioner who has executed the sale deed.

7. Learned APP for the State has also opposed this application.

8. Having heard learned counsel for the parties and the State as also on perusal of the records, this Court finds that the second anticipatory bail application as framed by the

petitioner cannot be entertained. There is no change of circumstance and it remains an admitted position that the petitioner has executed the sale deed after receiving consideration amount in respect of a property which was already mortgaged with the Bank.

9. If the petitioner surrenders and prays for regular bail in the learned court below within a period of four weeks from today, her prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court.

10. This application is dismissed.

(Rajeev Ranjan Prasad, J)

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