

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51209 of 2023

Arising Out of PS. Case No.-984 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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1. Ajay Sharma Son Of Late Ekam Sharma Resident Of Village- Goreyakothi At Present Village- Katalpur, Ps-Baikunthpur, Dist- Gopalganj
 2. Shoshila Devi Wife Of Ajay Sharma Resident Of Village- Goreyakothi At Present Village- Katalpur, Ps-Baikunthpur, Dist- Gopalganj
- Petitioner/s

Versus

1. The State Of Bihar
2. Sudama Sharma Son Of Late Gajar Sharma Resident Of Village- Katalpur, Ps- Katalpur, Dist- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 29-08-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the OP No. 2.
2. Learned counsel for the petitioner at the outset submits that by order dated 29-8-2023, the instant application has been dismissed as withdrawn with respect to Petitioner No. 1, Ajay Sharma.
3. The petitioner (Shoshila Devi) apprehends her arrest in connection with Complaint Case No. 984 of 2022 for the offences punishable under Sections 406, 420, 323 and 34 of the Indian Penal Code.



4. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and is a woman and has been falsely implicated in the instant case by the complainant, who is her own cousin brother. It is further submitted that in sum and substance the complainant alleges that it was agreed in between the complainant and the petitioner along with her husband that a piece of land would be sold in favour of the complainant for a consideration, further complainant alleges that on several dates an amount of Rs. 5,53,000/- was credited in the account of the petitioner but then the sale deed was not executed.

5. The learned counsel for the petitioner submits that no doubt an amount of Rs. 5,53,000/- was credited in the account of the petitioner, but then the same was not credited from the account of the complainant, but the money was sent by the son of the complainant for repairing the ancestral house and for some other agricultural activities. It is also submitted that petitioner was working at Gujarat and after retirement, he came back to Bihar and thereafter the present false case came to be instituted. It is also submitted that the complainant coerced the petitioner to execute sale deed in the year 2019.

6. The learned counsel appearing on behalf of the



OP no. 2 opposes the anticipatory bail application and submits that it is not in dispute that petitioner and the complainant are own cousin brother and sisters, but then it is submitted that based on the said relationship, the complainant had credited an amount of Rs. 5,53,000/- in the account of the petitioner as she along with her husband had agreed to sell a piece of land as detailed in the complaint. It is further submitted that a stand has been taken that the petitioner received the amount of Rs. 5,53,000/- in her account but then the said amount was not credited for any consideration but for agricultural work and for repairing of the house, but then no such ground has been taken in the anticipatory bail application. It is further submitted that petitioner never executed any sale deed in favour of the complainant in the year 2019 or else the same would have been brought on record. It is further submitted that petitioner taking advantage of her relationship has misappropriated the amount deposited in her account by the side of the complainant for purchasing a piece of land as alleged in the complaint.

7. Considering the submissions made by the learned counsel appearing on behalf of the OP No. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner, Shoshila Devi.



8. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Satyavrat Verma, J)

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