

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57348 of 2023

Arising Out of PS. Case No.-16 Year-2020 Thana- MADHEPURA COMPALINT CASE
District- Madhepura

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Soni Devi W/O- Shiv Narayan Bhagat Village- Bhan Tekti @ Tekthi Ward no-
1, Po- Bhan Ps- Madhepura Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nand Kishore Sah son of Late Ram Chandra Sah Village- Mathahi Ps-
Madhepura Dist- Madhepura

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Sanjay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Complainant	:	Mr. Nafisuzzoha, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 07-03-2024 Heard Mr. Dr. Sanjay Kumar Singh, learned counsel

for the petitioner, Mr. Nafisuzzoha, learned counsel appearing

on behalf of the complainant as well as and Mr. Uma Shankar

Prasad Singh, learned Additional Public Prosecutor for the

State.

2. The petitioner is apprehending her arrest in

connection with Complaint Case No. 16 of 2020 for the offences

punishable under Sections 420, 467, 406 and 506 of the Indian

Penal Code.

3. According to prosecution case, this petitioner has

taken money from the complainant but did not executed the sale

deed in favour of the complainant.



4. Learned counsel for the petitioner submits that petitioner is innocent and she has falsely been implicated in the present case. He further submits that in fact, no such agreement for sale has been executed between the parties. He further submits that it appears from the order dated 08.11.2023 that the complainant has been directed to produce the agreement for sale dated 27.03.2017 which was executed between the petitioner and complainant but till date no such agreement has been produced by the complainant and in spite of that the complainant has been given two opportunities vide order dated 24.01.2024 and 27.02.2024.

5. The learned counsel appearing on behalf of the complainant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries two criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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 the learned



Judicial Magistrate 1st Class, Madhepura in connection with Complaint Case No. 16 of 2020, 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 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

ii. 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.

iii. 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 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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