

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64314 of 2024

Arising Out of PS. Case No.-339 Year-2024 Thana- BEGUSARAI TOWN District- Begusarai

Sarita Devi Wife of Manoj Kumar Resident of Village - Ward No.- 40,
Sarvoday Nagar, Behind the Mahanth College, P.S.- Town, District -
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pritish Kumar Lal, Advocate
For the State	:	Mr. Choubey Jawahar, APP
For the Informant	:	Mr. Saket Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-10-2024 Heard Mr. Pritish Kumar Lal, learned counsel for

the petitioner, Mr. Saket Kumar, learned counsel appearing on

behalf of the informant as well as Mr. Choubey Jawahar, learned

Additional Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Begusarai Town P.S. Case No. 339 of 2024,
F.I.R. dated 20.06.2024 for the offences punishable under
Sections 406, 420 and 120(B) of the Indian Penal Code.

3. According to prosecution case, the husband of the
petitioner, namely, Manoj Kumar got into an agreement with the
informant for the purchase of land but after receiving the
amount from the informant, the husband of the petitioner neither
executed the sale deed in favour of him nor returned the money.



4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that it appears from the F.I.R that the petitioner is the wife of the co-accused, Manoj Kumar who has taken the amount in question from the informant. He further submits that the petitioner has been implicated in the present case merely on the ground that she is the witness of the agreement.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and she is the wife of the co-accused and she is only witness of the agreement not the receiver of the amount in question, 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 Chief Judicial Magistrate, Begusarai in connection with Begusarai Town P.S. Case No. 339 of 2024, 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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