

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65971 of 2023

Arising Out of PS. Case No.-685 Year-2022 Thana- DANAPUR District- Patna

AMINA RASHID W/o MD. KHALID RASHID Board Member Cum
Director of M/s Sheba Welcon Builder Pvt. Ltd, office situated B5-2, R.P.
Tower, Frazer Road, P.S. - Kotwali, Distt. - Patna at present residing at GMK
Apartment, Samastipur, Flat No. 102, Raja Bazar, P.S. - Shastri Nagar, Distt. -
Patna

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Pooja, D/o Shashi Ranjan Kumar, R/v Mithapur, Kannulal Road, Vishwa
Prabha Niwas, P.O. G.P.O., P.S. Jakkanpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 08-04-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the opposite party no. 2.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
406, 420, 467, 468, 409, 471, 504 and 506/34 of the Indian
Penal Code.

3. Learned counsel for the opposite party no. 2
submits that she had invested her lifetime saving for purchasing
a flat from M/s Shiva Welcon Builder Pvt. Ltd. in the year 2012
and it was agreed in terms of the agreement that the flat in
question would be handed over to her within a period of two and



half years from the date of agreement and the consideration fixed for the flat was Rs.22 lakhs. It is further submitted that opposite party no. 2 has paid an amount of Rs.21 lakhs but still she has not got the flat nor the Director of the Company has any intention of handing over the flat to the opposite party no. 2 for which she has paid nearly the entire sum except Rs.1 lakh. It is next submitted that petitioner in the instant anticipatory bail application is also a Director in the Company and is wife of Md. Khalid Rashid. It is also submitted that the flat which the opposite party no. 2 had booked and payment made, the said flat has been sold to someone else.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case. It is further submitted that petitioner is a lady and is a housewife and has been inducted as the Director of the Company but then she is not aware that what her husband does. It is next submitted that the relationship in between the husband and the wife is strained.

5. Learned counsel appearing on behalf of the opposite party no. 2 rebuts the aforesaid submissions and submits that the petitioner is actively involved in the business and since they have cheated the opposite party no. 2 as such



now a plea is being taken that relationship in between the petitioner and her husband is strained. It is further submitted that if what has been pleaded before this Court had been true then definitely the same would have formed part of the pleadings in the anticipatory bail application.

6. Considering the submissions made by the learned counsel appearing on behalf of the opposite party no. 2, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner in connection with Danapur P.S. Case No. 685 of 2022, G.R. No. 3113 of 2022 pending in the Court of learned Additional Chief Judicial Magistrate-I, Danapur, Patna/Successor Court.

7. Accordingly, the prayer for bail anticipatory bail is rejected.

(Satyavrat Verma, J)

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