

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72177 of 2024

Arising Out of PS. Case No.-4896 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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1. Kalpana Devi W/o Sri Sanjay Kumar Thakur Resident of Mohalla- Ashok Nagar, Road No. 1/H, P.S. Kankarbagh, District- Patna
 2. Manorama Devi W/o Late Chandra Bhushan Singh Resident of Mohalla- Ashok Nagar, Road No. 1/H, P.S. Kankarbagh, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mamta Devi W/o Mukesh Kumar R/o Mohalla - Ashok Nagar, Road No. 1F, Raja Utsav Hall, P.S. - Kankarbagh, Distt. - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Amrendra Narayan Rai
For the Opposite Party/s	:	Mr. Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-10-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 4896 of 2023 registered under Sections 406, 420, 500 of the I.P.C. and Section 138 of the N.I. Act.

3. As per the allegation made in the complaint, the petitioners along with other accused persons received a sum of Rs. 16,30,000/- from the complainant on different dates with assurance to pay back the same by February, 2023. When the complainant demanded her amount, the petitioner no. 1 gave a cheque of Rs. 16,30,000/- to her, which bounced due to insufficient fund.



4. Mr. Krishna Prasad Singh, learned senior counsel for the petitioners submits that the petitioner no. 1 is the wife of the co-accused / Sanjay Kumar Thakur and the petitioner no. 2 is the mother of the petitioner no. 1. In a regular bail application filed by the co-accused / Sanjay Kumar Thakur an undertaking has been given by the co-accused / Sanjay Kumar Thakur to refund / pay a sum of Rs. 12,75,000/- to the complainant with Rs. 5,00,000/- at the time of furnishing bail bond and the rest amount in seven equal monthly installments, to which the complainant did not object.

5. On the other hand, learned counsel for the complainant / opposite party no. 2 opposed the prayer for bail and submits that a sum of Rs. 16,30,000/- was taken, but the co-accused has agreed to return only Rs. 12,75,000/-, as such, the petitioners may be directed to refund the rest amount to the complainant.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that the co-accused has agreed to return the amount of Rs. 12,75,000/- and the petitioners are ladies, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the



court below within a period of four weeks from today on
furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each
with two sureties of the like amount each to the satisfaction of
C.J.M., Patna in connection with Complaint Case No. 4896 of
2023 subject to the condition as laid down under Section 438 (2)
of the Cr.P.C.

(Anil Kumar Sinha, J)

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