

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79133 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- BELA INDUSTRIAL District-
Muzaffarpur

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HIRA DEVI, W/o Manish Kumar R/o vill - Shahpur Maricha, P.S. - Maniyari,
Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Irshad, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Bela P.S. Case No. 42 of 2023 dated 11.05.2023 registered for the offences punishable u/ss 420, 467, 504, 506 and 120B read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and her husband purchased a tractor and the price of the tractor was Rs. 7,13,000/-. The cheque for purchasing the said tractor of Rs. 50,000/- was issued in favour of the informant and for the rest amount, it was assured by the petitioner and her husband that the same would be paid within three months. It is further alleged that the said cheque was presented in the bank which was



dishonored due to mismatch of signature.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Learned counsel has further submitted that an agent namely Amit Kumar Pandey had contacted the petitioner and her husband for the purchase of a tractor worth Rs. 7,13,000 /- on installment without any payment. The agent promised to give Rs. 20,000/- per month to the petitioner so that the petitioner and her husband could deposit the installments and save some money. For this, the agent took her husband's signature on some papers, a copy of Aadhar card and the petitioner's four blank cheques with signature. The agency, where the informant is a manager who assured the petitioner that the said cheque would remain in the agency as a surety only and would not be deposited in the bank. After the six months of the purchase, when the agent, Amit Kumar Pandey neither gave any money to the petitioner nor any installment deposit receipts of the purchased truck then the petitioner filed a complaint case (Case No. 1310/ 2023) against the agency including the informant for cheating on 27.07.2023. It is further submitted that the petitioner has no concern with the alleged offence. The co-accused (husband of the petitioner) has already been granted bail by the



Coordinate Bench of this court vide order dated 02.12.2023 passed in Cr. Misc. No. 75901 of 2023. The petitioner is a lady and she has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Muzaffarpur in connection with Bela P.S. Case No. 42 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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