

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80648 of 2023

Arising Out of PS. Case No.-415 Year-2023 Thana- KHAGARIA District- Khagaria

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1. VIMLA DEVI WIFE OF UPENDRA SAH RESIDENT OF DHUSMURI VISHANPUR, P.S. - MUFASSIL AND DISTRICT - KHAGARIA
 2. UPENDRA SAH SON OF LATE MAHAVIR SAH RESIDENT OF DHUSMURI VISHANPUR, P.S. - MUFASSIL AND DISTRICT - KHAGARIA
 3. DHARMVEER SAH SON OF UPENDRA SAH RESIDENT OF DHUSMURI VISHANPUR, P.S. - MUFASSIL AND DISTRICT - KHAGARIA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. LEELA DEVI WIFE OF SUDHEER SAH RESIDENT OF DHUSMURI VISHANPUR, P.S. - MUFASSIL AND DISTRICT - KHAGARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Verma, Adv.
For the Opposite Party/s : Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Khagaria (Mufassil) P.S. Case No. 415 of 2023 dated 21.04.2023 instituted for the offence punishable under Sections 406, 504, 34 of the IPC.

3. As per prosecution case, the petitioners cheated the informant's mother-in-law who had got an account opened on 31.02.2021 in a Rose Valley Non-Banking wherein she was



depositing monthly installments of Rs. 5000/- per month and on the maturity of the scheme on 31.03.2016, when the informant asked for her deposited money, she was given continuous assurance for about 5 to 6 years and ultimately, on 20.04.2023, the accused persons, allegedly, threatened, abused and assaulted the informant and denied to pay back the money.

4. Learned counsel for the petitioners submits that petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the FIR has been lodged after seven years of the maturity of the said scheme which was matured on 31.03.2016. It is next submitted the informant has not annexed any chit of money receipts which were issued in favour of mother-in-law of the informant. Till date no documentary evidence has been brought on record to substantiate the allegation regarding money transaction between the informant and the petitioners. It has also been submitted that the present case is nothing but a counter blast of a case bearing Khagaria (Mufassil) PS Case No. 1360/22 dated 26.12.2022 lodged by petitioner no.2 under Sections 384, 386, and 379 IPC against Sudhir Sah (husband of the informant) and one Meena Devi wife of late Jagdamba Sah. Lastly, it has been submitted that petitioners have got no criminal antecedents.



5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Khagaria (Mufassil) P.S. Case No. 415 of 2023, they will be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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