

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1939 of 2024

Arising Out of PS. Case No.-188 Year-2023 Thana- GANGABRIDGE District- Vaishali

1. Sanju Devi Wife Of Arvind Singh Resident Of Village- M.I.G. Colony, Sector 7, House No. 5/23, Bhooth Nath Road, Kankarbath, Patna Ps- Agamkuan, Dist- Patna
2. Sapna Kumari Daughter Of Arvind Singh Resident Of Village- M.I.G. Colony, Sector 7, House No. 5/23, Bhooth Nath Road, Kankarbath, Patna Ps- Agamkuan, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manendra Sinha, Advocate
For the Opposite Party/s : Mr.Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 21-03-2024 Heard Mr.Manendra Sinha, learned counsel for the

petitioners and Mr.Nirmal Kumar Sinha, learned Additional

Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Ganga Bridge P.S. Case No. 188 of 2023, FIR dated 31.08.2023, registered for the offences punishable under Sections 406,420,504,506/34 of the Indian Penal Code.

3. The prosecution case, in short, is that one Alok Rohit arranged a meeting with the owners of scrap, Sanju Devi (Petitioner No. 1) in a house situated at Mohabbatpur Village under Hazipur Industrial Area where deal was final 32,00,000/- (Thirty two lacs). It is further said that Rupees fifty thousand



was given through UPI in the account of petitioner no. 2 (Sapna Kumari) and Rupees two lacs cash in hand and it was decided that remaining amount of Rs 29,50,000/ would be paid at the time of final delivery of scrap Next day on 21.08.2023 the informant paid remaining dues amount of Rs. 29,50,000/ in current account of petitioner no.2 Sapna Kumari (A/c No. 50200076893283) of HDFC Bank, Bhutnath Kankerbagh Branch. The informant further alleged that after payment of amount petitioner no.1 assured him that scrap material was loading in truck near Paswan Chowk and send a person with him alongwith Alok Rohit to that place for taking delivery of materials but when the informant was in way making pretext of police raid both persons fled away. The informant felt that he was cheated by the accused persons under high level of conspiracy and not handed over scrap materials and usurped the huge paid amount of Rs. 32 lacs. It is also alleged that when the informant called the accused persons and demanded to return the said paid amount they used to threat the informant.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not



committed any offence as alleged in the FIR and from a bare perusal of the FIR it appears that some money has been deposited by the informant in the account of petitioner No.2. Learned counsel for the petitioners submits that the petitioner No.1 is mother and petitioner No. 2 is daughter of the co-accused, namely, Alok Rohit and after the present FIR, both the parties have sit together and signed compromise/settlement agreement which was executed on 07.03.2024 and as per the agreement, the petitioners' side are ready to pay Rs. Eight Lacs to the informant within a period of four months from the date of institution of the present occurrence.

5. Learned A.P.P. for the State, on the other hand, on the basis of the material available on the record and the case diary, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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)each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Hajipur in connection with Ganga Bridge P.S Case



No. 188 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) If the petitioners are not honoured the agreement dated 07.03.2024, the informant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioners.

(II) Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(III) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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)

Nitesh/-

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