

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6700 of 2025

Arising Out of PS. Case No.-92 Year-2022 Thana- KATIHAR MUFFASIL District- Katihar

Aditi Mallick @ Aditi Kumari W/o Narayan Kumar Mallick @ Narayan
Mallick Resident of Mohalla- Lohiya Nagar, P.S.- Sahayak, Dist.- Katihar
... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Nutan Kumari W/o - Nand Kishore Jaiswal, R/o Sonarpatti, ward no. 09,
P.S. Banmankhi, District Purnea

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate
For the Opposite Party/s : Mrs. Pushpa Sinha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

7 02-07-2025 Heard Mr. Bhola Prasad, the learned counsel

appearing on behalf of the petitioner and Mrs. Pushpa Sinha the

learned A.P.P. for the State.

2. Despite a Vakalatnama being there on behalf of the
opposite party no.2, no-body appears today on behalf of the
opposite party no.2.

3. The petitioner seeks bail in connection with Katihar
Muffasil P.S. Case No. 92 of 2022, registered for the offences
punishable under Sections 420, 467, 468, 471 and 34 of the
Indian Penal Code.

4. As per the prosecution case, the informant states
that he had entered into an agreement with the co-accused-
Director of the company, namely, Narayan Mallick and also the



petitioner who happens to be the wife of the said Narayan Mallick, and in anticipation of the sale deed being executed in his favour, total Rs. 80,0000/- (eighty lac) was paid by the informant. It is further alleged that the said amount was transferred to the account of the land owners, namely, Deepak Saraf and Dilip Saraf, however both of them refused to execute the same and as such the present case was lodged.

5. The learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and even from the statement made in the FIR, it would be evident that the petitioner had not executed any agreement nor she had received any amount for the said agreement. It has further been submitted that on perusal of the agreement wherein an undertaking has been given by only the co-accused Narayan Mallick who have received the amount in lieu of execution of sale deed and there is no signature of the petitioner on the same. It is next submitted that dispute is purely civil in nature and it has been given a colour of criminal case. It has further been stated that the charge-sheet has already been submitted and a similarly situated co-accused, namely, Sanjay Kurmi has already been granted bail by a Co-ordinate Bench of this Hon'ble Court vide order dated 17.10.2023, passed in Criminal Misc. No. 1148 of 2023. It has



lastly been submitted that the petitioner though has been named in one more case, which was lodged after the present case, she is in custody since 10.10.2024.

6. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner along with co-accused Narayan Mallick have cheated the informant.

7. Considering the aforesaid submissions made by the parties and taking into account that the co-accused person has already been granted bail by a Co-ordinate Bench of this Hon'ble Court and also considering the period of custody, the provisional bail granted to the petitioner is hereby confirmed, subject to the following conditions:-

(i) The petitioner shall remain physically present in Court on each date of the trial.

(ii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(iii) If the petitioner is found involved in similar nature of offence in future, the prosecution shall be at liberty to move for cancellation of his bail bond.

(iv) The learned Court below shall verify the criminal



antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

8. Accordingly, the application for bail is allowed.

(Sourendra Pandey, J)

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