

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9563 of 2025

Arising Out of PS. Case No.-269 Year-2024 Thana- KHAGARIA District- Khagaria

Bimla Devi @ Vimla Devi Wife of Umesh Pathak village- Touzi No 1447
mill Road Infront of Dr. s.k. Pansari PS -Khagaria District -Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madhu Raj Wife of Late Rajendra Prasad village- Nagarpalika Road, Ps-
Khagaria, Dist- khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Samrendra Kumar Jha, Advocate
For the Informant	:	Mr. Deepak Kumar, Advocate
For the State	:	Ms. Pushpa Sinha-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-06-2025 Heard Mr. Samrendra Kumar Jha, learned counsel
for the petitioner, Mr. Deepak Kumar, learned counsel for the
Informant and Ms. Pushpa Sinha-1, learned APP for the State.

2. The petitioner is apprehending her arrest in
connection with Khagaria P.S. Case No. 269 of 2024, F.I.R.
dated 13.05.2024 registered for the offences punishable under
Sections 420, 406, 409, 120 of the Indian Penal Code and
Section 138 of the N.I. Act.

3. The prosecution case, in brief, is that Rupesh
Pathak who is the son of the petitioner has taken loan from the
informant to the tune of Rs. 42,00,000/- (Forty Two lacs) but
has not returned. His wife issued a cheque of Rs. 21,00,000/-



(Twenty One lacs) but it got dishonored, due to non-sufficient balance.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case on the basis of that the petitioner is mother of co-accused Rupesh Pathak and from perusal of the F.I.R. it appears that Rupesh Pathak has taken a loan from the informant to the tune of Rs. 21,00,000/- (Twenty One Lacs) and again taken a loan of Rs. 21,00,000/- (Twenty One lacs) and altogether took Rs. 42,00,000/- (Forty Two lacs) from the informant. He further submits that it appears from the F.I.R. itself that in lieu of that co-accused person Rupesh Pathak had issued a cheque in favour of the informant and the same was signed by co-accused person namely Priyanka Pathak who happens to be the wife of co-accused person Rupesh Pathak and petitioner has been made accused merely on the ground that she is mother of co-accused Rupesh Pathak and she has not issued any chit of paper and has not received any amount which suggests that she is not involved in the present crime in question.

5. Learned counsel for the Informant as well as learned APP for the State, on the other hand, opposed the prayer for anticipatory bail of the petitioner and submits that from



perusal of the F.I.R. it appears that in presence of the petitioner the informant had given the amount in question to co-accused Rupesh Pathak and apart from that the petitioner has assured the informant that she has sold one land and will return the amount to the informant and apart from that the petitioner carries one more case of similar nature other than the present one.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of her 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria P.S. Case No. 269 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioner 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.



(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the 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.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

