IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10404 of 2025

Arising Out of PS. Case No.-497 Year-2024 Thana- KATIHAR NAGAR District- Katihar

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Sita Jha W/o- Ajit Kumar Jha Resident of Village- Hridayganj Simra Bagan PS- Katihar Sahayak, Dist- Katihar

... ... Petitioner/s

Versus

1. The State of Bihar
2. Punam Anand D/o- Shri Bindeshwari Prasad Mandal Village- Po- Pothiya Ps Dist- Katihar

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Raghvendra Kumar Singh
For the State	:	Mr.Arun Kumar Pandey
For the O. P. No. 2	:	Mr. Praveen Kumar

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

9 17-12-2025

1. Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out of Katihar Town Police Station Case No. 497 of 2024, dated 22.07.2024, disclosing offences punishable under Sections 406/420/506/120-B/34 of the Indian Penal Code.
3. The prosecution case, as per the First Information Report lodged by the Opposite Party No. 2, is that the informant was a tenant in the house of one Jagdish Prasad Sah and later she shifted to Delhi due to her husband's job. It has further been stated that whenever the informant comes to

Katihar, she used to visit the house of Jagdish Prasad Sah. During her visit to the house of Jagdish Prasad Sah, the house owner, she came in contact with the petitioner, who was in parlour business. The petitioner told the informant that she, along with co-accused Shivam Kumar, deals in the business of grain, land, fixing tower in the houses, from which a good profit is earned by them. The petitioner showed her diary, in which the name of the family members of house owner Jagdish Prasad Sah was also mentioned. The informant got impressed with the proposal of the petitioner and gave Rs. 2,43,00,000/- through online and about Rs. 60,00,000/- in cash. It has also been stated that for some time, the profit was given to the informant and subsequently, from 12.12.2024, neither any profit nor the principal amount is being paid to the informant.

4. Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to ulterior motive. He further submits that the informant voluntarily entered into the business transaction with Shivam Kumar and all the amount, as alleged by the informant in the First Information Report, was paid

through online process to Shivam Kumar, which would be evident from the bank transaction details brought on record by way of supplementary affidavit by the petitioner, at Annexure P/8. The informant took a conscious decision to enter into the business transaction with Shivam Kumar, invested the amount, got profit also and when the profit was not being paid by Shivam Kumar, the present First Information Report has been lodged. From perusal of the First Information Report, it does not appear that the allegation against the petitioner is that from the very inception/beginning, the intention of the petitioner was to cheat the informant. Subsequent breach of promise by anybody does not amount to cheat. The case lodged by the informant gives rise to the civil dispute, but this has been given the colour of criminal case.

5. On the other hand, learned Counsel for the informant vehemently opposes the prayer for anticipatory bail and submits that the petitioner, in connivance with Shivam Kumar, has allured the informant to invest huge amount in the business of grain, land etc. allegedly run in the name of Shivam Enterprises. The petitioner, in

connivance with Shivam Kumar, has cheated so many persons, for which six criminal cases have been lodged by different persons, in which the petitioner and Shivam Kumar are accused.

6. Having heard learned Counsel for the parties concerned and taking into consideration the nature of allegation made in the First Information Report and the fact that not a single farthing was given in the account of the petitioner through online process and the allegation in the First Information Report is not that the intention of the petitioner was to cheat/deceive the informant from the very beginning and as per the First Information Report, the informant received profit also for some time, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of her arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 50,000/- (fifty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar, in connection

with Katihar Town Police Station Case No. 497 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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