

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16205 of 2025**

Arising out of PS. Case No.-325 Year-2022 Thana- KADWA District- Katihar

Mamta Devi Wife of Surendar Ravidas Resident of village- Mangal Asthan,
Pallagarh, Sonaili, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Ajit Singh, Advocate

For the Opposite Party/s: Mr. Satya Nand Shukla, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER**

4 23-06-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in a case instituted for the offences under Sections 420, 406 and 120(B) of the Indian Penal Code. She has one criminal antecedent, i.e., Kadwa P.S. Case No. 176 of 2014 registered under Sections 406 and 420/34 IPC.

3. As per the FIR, the petitioner along with the other named co-accused persons are alleged to have taken Rs. 18,40,000/- from the informant and Rs. 29, 72,000/- from other persons respectively. It is further alleged that on several occasions panchayati had taken place, however, the co-accused persons including the petitioner had refused to pay and even threatened her to face dire consequences.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and no transaction has been made as has been alleged in the FIR. It is further submitted by learned counsel for the petitioner that from the perusal of the FIR it would be evident that there is no case made out against the petitioner under Sections 406 and 420 IPC. It is next submitted by learned counsel for the petitioner that for the alleged transaction of amount as stated in the FIR there is no single chit of paper to establish the payment of such amount to the petitioner. It is finally submitted by learned counsel for the petitioner that similarly situated co-accused persons namely Shila Devi, Laxman Mahto and Shinu @ Shinu Devi have been granted bail by a Co-ordinate Bench of this Court *vide* order dated 31.08.2024 passed in Cr. Misc. No. 55812 of 2024, the order of the same has been brought on record by way of Annexure-2. It is lastly submitted that though the petitioner has one criminal case against his name, he is in custody since 05.08.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that the petitioner has cheated the informant of her valuable money and during the course of investigation it has



come that the petitioner has refused to pay such amount for which the panchayati has also been held, as such, the petitioner should not be released on bail.

6. Considering the aforesaid submissions of learned counsels for the parties and taking into account that the allegation *prima facie* relates to money transaction and similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court and the petitioner is in custody 05.08.2024, the petitioner above named, is directed to 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 the learned Chief Judicial Magistrate, Katihar in connection with Kadwa P.S. Case No. 325 of 2022, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) 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 canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner as above-mentioned and in case at any stage it is found that the petitioner has concealed his criminal antecedent as above-mentioned, 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 the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

(Sourendra Pandey, J)

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