

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19561 of 2025

Arising Out of PS. Case No.-984 Year-2022 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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Sushila Devi @ Sosila Devi, Wife of Ajay Sharma, Resident of Village -
Kartalpur, P.S. - Baikunthpur, District - Gopalganj (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudama Sharma, Son of Late Gujar Sharma, Resident of Village - Kartalpur,
P.S. - Baikunthpur, District - Gopalganj

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. A.K. Jha, Adv. Mr. Abhijeet Gautam, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar No. 3, APP
For the Informant	:	Mr. Javed Aslam, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-04-2025 Heard Mr. A.K. Jha, learned counsel for the

petitioner, Mr. Binod Kumar No. 3, learned APP for the State

and Mr. Javed Aslam, learned counsel for the complainant.

2. Petitioner seeks regular bail in connection with

Complaint Case No. 984 of 2022 dated 24.05.2022 in which

cognizance of the offence punishable under section 406 of the

Indian Penal Code (in short 'IPC') has been taken.

3. The main submissions advanced by petitioner's

counsel are that the instant matter is based on a complaint, on

that basis, the cognizance under section 406 of IPC has been

taken against the petitioner, who is a 56 year old lady and the



alleged offence is triable by the court of First Class Magistrate and from the entirety of the allegations made in the complaint, no criminal wrong appears on the part of the petitioner as the main allegation levelled by the complainant is that the petitioner and her husband did not transfer a particular land of 9 kathas 10 dhurs which was agreed for transfer despite receiving Rs. 11,00,000/- (rupees eleven lakhs) as consideration amount on different installments but in fact on 08.01.2019, a sale deed was executed by the petitioner's husband in favour of the prosecution party, pertaining to the land that was subject of the agreement for transfer and in this regard, Annexure – 'P/3' is relevant. It is further submitted that the alleged transactions relate to the year 2019 but the complaint was filed by the complainant in the year 2022 and the petitioner has been languishing in jail since 21.01.2025.

4. On the other hand, learned counsel for the complainant has vehemently opposed the bail prayer of the petitioner and submits that the petitioner and her husband cheated on the complainant on the pretext of transferring a particular land as they did not transfer the said land despite having received the entire consideration amount i.e. Rs. 11,00,000/- and the land, of which the details is mentioned in



Annexure – P/3, is completely different land and the same was not agreed for transfer in between both the parties at the relevant time and the petitioner and her husband approached this Court earlier for the relief of anticipatory bail and their prayer was rejected vide order dated 29.08.2024 passed in Cr. Misc. No. 51209 of 2023.

5. Learned APP for the State has also opposed the prayer of the petitioner.

6. In the facts and circumstances of this case as well as considering the aforesaid submissions and mainly the nature of allegation coupled with the facts that the petitioner is a 56 year old lady and has been languishing in jail since 21.01.2025 and both the parties are relatives, in my opinion, it is a fit case for the grant of bail to the petitioner. Accordingly, let the petitioner be released on bail on furnishing bail bond of Rs. 20,000/-(Twenty Thousand) with two sureties of the like amount each to the satisfaction of the court concerned in connection with Complaint Case No. 984 of 2022.

(Shailendra Singh, J)

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