

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47141 of 2025

Arising Out of PS. Case No.-618 Year-2023 Thana- COMPLAINT CASE District- Supaul

Smita Kumari W/O - Ashok Kumar R/o Village- Machaha, P.O.- Kushaha,
P.S.- Triveniganj, District- Supaul

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari W/o Ajit Kumar R/o Village- Mayurwa, P.O.- Kushaha, P.S.-
Triveniganj, District- Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Kumar Mishra, Advocate
For the State	:	Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 16-09-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered
for the offences punishable under Sections 420 of the IPC and
section 138 of the N.I. Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman. It is
submitted that the petitioner had taken a piece of land on lease
for running a school and accordingly in the year 2014, the
school building was constructed. It is next submitted that in the
year 2020, the complainant approached the petitioner for
entering into a partnership with her in running the school.



Accordingly a partnership deed was executed in between the two. It is next submitted that the Railways acquired the land along with the building and compensation of the land was given to the land owner and with regard to the structure standing on the land, the petitioner was given an amount of Rs.48 Lakhs by way of compensation as she had build the school building in question. It is submitted that the complainant in the instant case alleges that in the year 2020, she had entered into a partnership agreement with the petitioner and had invested some amount, as such, the complainant was also entitled for compensation of an amount of Rs.10 Lakhs out of Rs.48 Lakhs which was given to the petitioner, the petitioner in lieu of the same had issued a cheque which on presentation for encashment bounced.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant and that in the nature of allegation as alleged in the F.I.R., prima facie, no offence under section 420 IPC is made out and offence under section 138 of the N.I. Act isailable. It is next submitted that in the event, if, the complainant is able to prove before the learned trial court that the cheque amount was issued for a valid consideration, in that event, the petitioner will face the consequences but if the complainant is not able to prove



before the learned trial court that the cheque was issued for a valid consideration, in that event whether it would be prudent for the Court to send the petitioner to jail at this stage.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Supaul Complaint Case No. 618(C) of 2023, subject to the conditions as laid down under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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