

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51238 of 2024

Arising Out of PS. Case No.-95 Year-2023 Thana- ARA NAWADA District- Bhojpur

1. Sandhya Kumari Sinha Wife of Sri Ravi Shankar Kumar Sinha Resident of Chandra Sumer, D.S. Kothi, Ward No. 14, Infront of Gayatri Hotel, Chandwa More, P.O.- Chandwa, P.S.- Nawada Ara, District- Bhojpur
2. Ravi Shankar Kumar Sinha Son of Late Someshwar Prasad Resident of Chandra Sumer, D.S. Kothi, Ward No. 14, Infront of Gayatri Hotel, Chandwa More, P.O.- Chandwa, P.S.- Nawada Ara, District- Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anil Rai s/p Rajdayal Rai vill- Faranda po-Ayar Ps-Agioan Bazar Dist Bhojpur
3. pravin rai s/o Rajdayal rai vill-faranda, po-ayar, ps-Agiyoan bazar Dist- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv. Mr. Dharmesh Kumar Shrivastava, Adv.
For the State	:	Mr. Rajendra Prasad Nat, APP
For the Informant	:	Mr. Lalit Narayan Jha, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

13 13-08-2025 Heard Mr. Y.C. Verma, learned senior counsel for the petitioners, Mr. Rajendra Prasad Nat, learned APP for the State and Mr. Lalit Narayan Jha, learned counsel appearing for the opposite party no.2.

2. At the outset, the application on behalf of petitioner no.2, namely, Ravi Shankar Kumar Sinha is being withdrawn in order to surrender and seek regular bail.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn



in respect of petitioner no.2.

5. Now, this application survives for petitioner no.1 only.

6. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 420, 406 and 34 of the Indian Penal Code.

7. The allegation in the FIR is that an amount of Rs. 70,00,000/- in total was transferred by the informant into the account of the petitioner pursuant to an agreement between the parties for purchase of land of the petitioner for a total consideration amount of Rs. 2,25,00,000/-.

8. Learned senior counsel appearing for the petitioner, at the outset, submits that the present case has been filed by the uncle of opposite party nos. 2 & 3 who were actually the persons who had entered into an agreement with the petitioner. It is further submitted that the financial condition of the petitioner was made known to the opposite party no.2 and that there was house and land loan of an amount of Rs. 38.43 lacs upon the petitioner. It is also submitted that the petitioner and her husband have tried their best to sort out the issues between the parties, but they are not in a position to make payment to the opposite party no.2. However, they have made alternative offers which is not acceptable to the opposite party no.2. It is



next submitted that the prosecution case is all based upon documents and not honouring of the terms of an agreement would not constitute a criminal offence as laid down by the Hon'ble Apex Court and a reference has also been made to the case of *Radheyshyam & Ors. Versus State of Rajasthan & Anr.* (Criminal Appeal No. 3020 of 2024) to indicate paragraph 6 of the said order stating that mere non-performance of an agreement to sale by itself does not amount to cheating and breach of trust and adequate remedy of filing a civil suit for relief of specific performance of a contract is always available to the informant.

9. Learned APP for the State and learned counsel appearing for the informant, however, strongly oppose the grant of anticipatory bail on the ground that he has been cheated of an amount of Rs. 1,44,00,000/- out of which 81,00,000/- is by way of account transaction.

10. Taking into consideration the facts and circumstances of the case and also considering the fact that the petitioner is a lady against whom, although the allegation is that she entered into an agreement and the money was also received in her account, but it seems that the entire exercise was being done by her husband and she has merely become a name lender. It may



also be taken into consideration that other civil remedies are also available to the informant and the application on behalf of the husband of the petitioner has already been withdrawn in order to surrender before the Court below.

11. In view of the above-mentioned facts of the case, I am inclined to grant the privilege of anticipatory bail to petitioner no.1 who has no criminal antecedent. Let petitioner no.1, above named, in the event of her arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Ara (Nawada) P.S. Case No. 95 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C/ 482 (2) of the BNSS, 2023 and also to the further condition that the petitioner shall cooperate in the process of investigation and trial.

12. Accordingly, the application stands partly allowed.

(Soni Shrivastava, J)

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