

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56954 of 2024

Arising Out of PS. Case No.-177 Year-2023 Thana- BAHADURPUR District- Patna

1. Pratima Devi @ Prativa Devi Wife Of Satish Kumar @ Satish Kumar Poddar Resident Of C19 Savita Raj Kutir, Kasturba Nagar, Community Hall Road, Near Bazar Samittee, P.S. - Bahadurpur, District - Patna
2. Usha Devi @ Usha Kumari Wife Of Santosh Kumar Resident Of C19 Savita Raj Kutir, Kasturba Nagar, Community Hall Road, Near Bazar Samittee, P.S. - Bahadurpur, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sumit Kumar Jha, Advocate
For the Opposite Party/s : Mr. Ajit Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-01-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offences punishable under Sections 420, 406, 467, 468, 469/34 of the Indian Penal Code.

3. As per prosecution case, an agreement was made between the parties to purchase the land, and the consideration amount was fixed at Rs. 1 crore 15 lakhs. Pursuant to the agreement, informant gave four cheques of Rs. 5 lakhs and Rs. 70 lakhs cash to the accused persons, and informant was told that after payment of the rest amount, a registry would be done. Subsequently, the informant came to know that co-accused



Santosh Kumar and Satish Kumar Poddar mortgaged the land in question and have taken a loan of Rs. 32 lakhs from the Central Bank of India. When he informed the accused persons then they told that the document which was shown to him was actually coloured photocopy. Informant made payment of Rs. 19 lakhs in the loan account of accused persons, and he was asked to give the rest amount, and in the name of taking NOC, informant again gave Rs. 1,50,000/- through a cheque, but the accused persons did not execute the land in favour of informant and refused to return the consideration money.

4. Learned counsel for the petitioners submits that it is apparent from F.I.R. that no amount was either received nor transferred in the account of these petitioners. Petitioners have been made accused in this case merely because they happen to be wives of co-accused Satish Kumar and Santosh Kumar. Petitioners never visited the house of informant and they are not concerned with the alleged occurrence. Moreover, the dispute is of civil nature and informant has given criminal colour to this case only to pressurize the accused persons to execute the sale deed in favour of the informant. Petitioners are ladies and claim clean antecedent.

5. Learned A.P.P. for the State vehemently opposed



the bail application.

6. Considering the nature of dispute which predominantly bears civil flavour having arise out of sell and purchase of land, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Patna in connection with Bahadurpur P. S. Case No. 177 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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