

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66065 of 2024

Arising Out of PS. Case No.-744 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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Sushma Kumari @ Mrs. Shushma Kumari Wife of Kumar Amar Kant
Resident of Mohalla- K47 P.C. Colony, Kankarbagh, P.S.- Patrakar Nagar,
District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mirtunjay Kumar Son of Late Manu Prasad Resident of Vill- Tilalya, PS-
Bankey Bazar, District- Gaya

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Sarvan Kumar, Advocate
For the State	:	Mr. Uma Shankar Prasad Singh, APP
For the O.P. No.2	:	Mr. Amish Kumar, Advocate

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 10-04-2025 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the opposite party no. 2.

2. The petitioner apprehends her arrest in a case,
registered for the offences punishable under Section 406 of the
Indian Penal Code.

3. The matter arises out of a complaint case, in which
it has been alleged that the complainant has agreed to purchase
the land of the present petitioner and had paid Rs.9,50,000/- by
bank and cash. It has been stated that after receipt of the said
amount, the petitioner had put her signature on the sale-deed
dated 04.11.2020, however, the registry could not be done. In



view of paragraph no. 14 of the petition, wherein it has been stated that the petitioner is ready to deposit the total amount of Rs.9,50,000/- before the learned trial Court subject to the final disposal of the case and also in view of order no. 4 dated 22.03.2025, wherein it has been recorded that the petitioner is ready to return a sum of Rs.9,50,000/-in two weeks' time, the learned counsel for the petitioner today produces a cheque of the amount of Rs.9,50,000/- in the name of the complainant, namely, Mritunjay Kumar, bearing Cheque No.034470 and the said cheque is being handed over to the complainant in person in the open Court and a receiving of the same is being placed on the records of the present case.

4. Learned counsel for the complainant also seeks cooperation from the petitioner with regard to her signature which would be required for refund of the challan amount. However, it is taken into consideration that the main amount under dispute has already been paid and also expected that the petitioner would cooperate with regard to the refund of challan amount so that with this payment, the dispute between the parties would come to an end.

5. Taking into consideration the fact that the amount in dispute is being deposited by the petitioner by way of a



cheque to the complainant in person and the petitioner also being a lady, let the petitioner, 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 learned Judicial Magistrate 1st Class, Gaya in connection with Complaint Case No. 744 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S., 2023.

(Soni Shrivastava, J)

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