

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2202 of 2025

Arising Out of PS. Case No.-715 Year-2023 Thana- RUPASPUR District- Patna

Akash Kumar, aged about 34 years, M, son of Triloki Nath Singh, resident of Village- Makhdumpur, P.S. - Sonapur, District- Saran. At present resident of Opposite Mazar Gali, P.O.- B.V. College, P.S.- Hawai Adda, District- Patna
... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, aged about 56 years, wife of Ajay Kumar Singh, resident of Mohalla- Durga Asharam Gali, Rukunpura, Shekhpura, P.S.- Shastri Nagar, District- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Smt. Sudha Ambastha, Advocate Ms. Amrita Kumari, Advocate
For the State	:	Ms. Rita Verma, APP
For the OP No.2	:	Mr. Ranjit Kumar Yadav, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

11 19-09-2025 Heard learned counsel for the petitioner; learned Additional Public Prosecutor for the State and learned counsel for the opposite party no.2.

2. Notice was issued to the opposite party no.2, who has appeared by filing *vakalatnama*, but no counter affidavit has been filed though several opportunities were given to file counter affidavit since 11.07.2025.

3. This application has been filed seeking cancellation of anticipatory bail granted to the opposite party no.2 by order dated 06.09.2024 passed in Cr. Misc. No.61228 of 2024 in connection with Rupaspur PS Case No.715 of 2023 on the



ground that the petitioner has obtained anticipatory bail by suppressing material facts and making false submission before this Court.

4. Learned counsel for the petitioner submits that the opposite party no.2 has pleaded that she neither entered into any agreement with the informant nor sold any piece of land to the informant. She has not received a single penny from the informant. It is submitted that the opposite party no.2 has a joint account with Santosh Kumar @ Santosh Kumar Bharti, who is also an accused in this case, and on 28.01.2021 a sum of rupees two lakhs was credited in the joint account of the opposite party no.2 through RTGS. The petitioner took loan of rupees fifty lakhs from Bank of Baroda, Samastipur, and credited the same in the joint account of co-accused, Navin Kumar, who is the son of the opposite party no.2. Thereafter, a sum of rupees six lakhs was deposited in the account of co-accused Santosh Bharti @ Santosh Kumar through RTGS. Thus, in total, a sum of rupees sixty lakh has been paid by the petitioner to opposite party no.2 and her son. It is further submitted that the opposite party no.2 is the real culprit. She along with other accused by tampering the government record prepared a fake, false and fabricated sale deed and on that basis she trapped and cheated the informant.



She prepared a Power of Attorney in favour of her son, Navin Kumar, in connivance with other accused. Further submission is that it was specifically pleaded that not a single penny was received by the opposite party no.2, however, it is crystal clear that a sum of rupees two lakh was credited in the joint account of the opposite party no.2 with Santosh Kumar @ Santosh Bharti, who is also accused in this case and, thus, the petitioner has suppressed the facts from the Court.

5. Learned counsel for the opposite party no.2, though present, but could not contradict the submission of learned counsel for the petitioner that a sum of rupees two lakh was credited in the joint account of the opposite party no.2, which discloses that the opposite parties was also involved in the entire conspiracy in which rupees sixty lakhs of the informant was cheated and grabbed.

6. Learned Additional Public Prosecutor for the State submits that a huge amount of the informant has been grabbed by the opposite party no.2 and her associates and anticipatory bail has been obtained by concealing the facts from the Court that not a single penny has been paid to her.

7. Having regard to the facts and circumstances of the case, I am of the view that the opposite party no.2 does not



deserve the privilege of anticipatory bail since she has concealed the fact that she also received the money in her joint account with one of the co-accused.

8. Accordingly, anticipatory bail granted to the opposite party no.2 vide order dated 06.09.2024 passed in Cr. Misc. No.61228 of 2024 is hereby cancelled.

9. The opposite party no.2, Sunita Devi, is directed to surrender before the Court below within a period of two weeks from today.

10. If the opposite party no.2 does not surrender before the Court below in terms of this order, the Court below shall take all coercive steps to ensure her custody.

11. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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