

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89019 of 2024

Arising Out of PS. Case No.-1296 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Sarita Devi Son of Amar Kumar Gupta R/o Village- Til Bikrampur Kamla
Gopalpur, PS -Neora Distt- patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Sinha Son of Late Raushan Prasad Sinha R/o Village- Til
Bikrampur (Laxmanpur)Kamla Gopalpur, PS -Neora Distt- patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Prashant Saurabh, Advocate
For the Complainant	:	Mr. Satish Chandra, Advocate
	:	Ms. Priti Singh, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 30-06-2025 Heard Mr. Prashant Saurabh, learned counsel for the

petitioner, Mr. Satish Chandra, learned counsel for the

Complainant and Mr. Satya Nand Shukla, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending her arrest in
connection with Complaint Case No. 1296 (c) of 2023 for the
offences punishable under Sections 406 and 420 of Indian Penal
Code.

3. As per the Complaint Petition, the complainant
alleged that the petitioner along with other accused persons took
Rs. 4,30,000/- from him in the name of execution of sale deed



but did not do the same.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and she has falsely been implicated in the present case. He further submits that petitioner is the daughter-in-law of co-accused person, namely, Tuntun Saw @ Tuntun Prasad Gupta.

5. Learned counsel for the petitioner informed this Court that during pendency of bail application, other co-accused person, namely, Tuntun Saw @ Tuntun Prasad Gupta has died and he received more amount from the Complainant.

6. Learned counsel for the petitioner submits that the petitioner took Rs. 40,000/- from the Complainant and she is ready to return the same to the Complainant.

7. The learned Additional Public Prosecutor and learned counsel for the Complainant have vehemently opposed the prayer for bail of the petitioner. Learned counsel for the Complainant submits that the complainant has paid more amount to the petitioner and other accused persons.

8. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, 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 A.C.J.M-II, Danapur in connection with Complaint Case No. 1296 (c) of 2023 , subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. At the time of furnishing bail bond, the petitioner shall produce a demand draft of Rs. 40,000/- (Rupees Forty Thousand) in favour of the complainant and learned court below is directed to handover the said demand draft to the complainant or his representative. If the petitioners fails to deposit the aforesaid amount to the complainant, the complainant shall be at liberty to move before the appropriate forum for cancellation of bail bond of the petitioner.

ii. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

iii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to



move for cancellation of bail.

iv. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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