

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3114 of 2025

Arising Out of PS. Case No.-97 Year-2021 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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1. Niranjana Mishra W/O Ashwani Kumar Mishra Resident of Niranjana Bhawan, S.V. Path, Adampur, P.S.- Kotwali (Jogsar), Distt.- Bhagalpur.
 2. Ashwani Kumar Mishra S/O Late Kali Prasad Mishra Resident of Niranjana Bhawan, S.V. Path, Adampur, P.S.- Kotwali (Jogsar), Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sheo Jee Mishra

For the Opposite Party/s : Mr. Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioners as well as the
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Kotwali (Jogsar) P.S. Case No. 97 of 2021, registered for the offences punishable under Sections 406, 420, 323, 341, 506/34 of the Indian Penal Code.

3. As per allegation, petitioner no. 1 entered into an agreement with the informant to let out her premises to him and the advance security money of Rs. 15,12,000/- was paid. Later on, it came to the knowledge of the informant that prior to entering into the agreement with the informant, she had already leased out the premises to Sanu Kumar Sharma and due to deceitful act of the petitioner the informant was defrauded.

4. The learned counsel for the petitioners has submitted



that the petitioner no. 2 being husband of petitioner no. 1 is alleged to be the attesting witness of the deed. The petitioner no. 1 has falsely been implicated merely as because she is the wife of petitioner no. 2. The petitioner no. 1 is a lady. He has further submitted that it is a civil dispute and the ultimate remedy lies in civil proceeding and not in the criminal proceeding.

5. On the other hand, the learned counsel for the informant has opposed the prayer for bail and submitted that the accused persons committed cheating and they have taken money from the informant on false representation of letting out the premises on rent.

6. In my view, it is a civil dispute and the alternative remedy lies in civil proceeding of competent jurisdiction.

7. Considering the above-mentioned facts and circumstances, let the petitioners, in the event of their arrest or surrenders within four weeks before the learned court below, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhagalpur in connection with Kotwali (Jogsar) P.S. Case No. 97 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

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