

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.89372 of 2024

Arising Out of PS. Case No.-3 Year-2013 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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Premlata Devi W/O Suresh Prasad @ Puchhu @ Puchu R/O Mohalla, Bal
Kishanganj, P.S.- Alamganj, Dist.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Javed Akhtar S/O Md. Akhtar Hussain R/O Mohalla- Moghalipur Durkhi,
P.S.- Khajekala, Dist.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Vindhya Keshari Kumar (Sr. Adv)
	:	Mr. Ravi Shankar Pathak (Adv)
For the Opposite Party/s	:	Mr. Uday Chand Prasad (App)
For the Informant	:	Mr. Shyamal Prakash (Adv)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 23-01-2025 1. Heard learned Counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail,
arises out of Complaint Case No. 03 of 2013, disclosing
offences under Sections 323, 420, 504 of the Indian Penal Code.

3. As per the prosecution story, stated in the complaint
petition, complainant was having good relationship with the
accused persons who were property dealers and the accused
persons told him that they would arrange/purchase a piece of
land and asked him to give Rs. 15 lacs. The complainant gave
Rs. 15 lacs in favour of the co-accused Suresh Prasad and
agreement was executed between the parties that land would be
arranged within six months. On 30.12.2012, in the morning,
when the complainant went to the house of the accused persons,
the petitioner, being the wife of Suresh Prasad, abused and



assaulted the complainant. It has further been alleged that the money of the complainant has been misappropriated.

4. Learned senior counsel for the petitioner submits that the petitioner has been made accused mainly because she happens to be the wife of the main accused Suresh Prasad. The entire allegation against the petitioner is misconceived inasmuch as an agreement was executed between the complainant and husband of the petitioner namely Suresh Prasad. The agreement is the part of the complaint in which the signature of petitioner is not there. As such, the terms of the agreement is not binding upon the petitioner. The husband of the petitioner Suresh Prasad has been kidnapped by some unknown persons for which an FIR has been lodged by the petitioner bearing Alamganj P.S. Case No. 329 of 2012.

5. On the other hand, learned counsel for the complainant opposes the prayer for anticipatory bail and submits that from perusal of the terms of the agreement, it would be evident that the petitioner, along with her husband, had promised to arrange a land in favour of the complainant for a sum of Rs. 15 lacs stating therein that both are engaged in the business of property dealing. The money was handed over to both of them by the complainant, as such, the petitioner cannot



shirk from her responsibility.

6. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that the basis of complaint is the written agreement which is part of the complaint dated 02.01.2013, in which signature of the petitioner is not there. The signature of the husband of the petitioner is there and as such, taking into consideration the fact that the petitioner is not a signatory of the agreement, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. 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 Additional Chief Judicial Magistrate II, Patna City, in connection with Complaint Case No. 03 of 2013, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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