

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2655 of 2026

Arising Out of PS. Case No.-160 Year-2025 Thana- KALUAHI District- Madhubani

Indu Jha Wife of Laxman Jha Resident of Village- Haripur, P.S.- Kaluahi,
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Adesh Raj Singh, Advocate

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 01-04-2026 Heard Mr. Adesh Raj Singh, learned counsel
appearing on behalf of the petitioner and Mr. Rajendra Nath Jha,
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Kaluahi P.S. Case No. 160/2025 registered for the
offence(s) punishable under Sections 316,318(4),3(5) of the
BNS.

3. As per the allegation made in the FIR, the
petitioner, along with co-accused Raushan Jha, has cheated of
Rs. 15 lakh from the informant on the pretext of providing job
to his son.

4. Learned counsel appearing on behalf of the
petitioner submitted that the petitioner is innocent and she has
falsely been implicated in the present case. The matter being



purely civil in nature. The petitioner who is having clean antecedent, seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having heard the rival submissions made on behalf of the parties, as well as, having perused the allegation made in the FIR, this court finds that if two persons agree to commit an act which is an offence in eye of law and the agreement failed because the crime could not be committed, it cannot be said that it constitutes an offence when the agreement itself was an offence. Law in this regard is well settled by the Apex Court in the case of ***Deepak Kumar Shrivastava and Anr. vs. State of Chhattisgarh and Ors.*** reported in ***(2024) 3 SCC 601*** in para nos. 15 and 16 which are as under:

“15. A reading of the entire material on record clearly reflects that it was totally an unlawful contract between the parties where money was being paid for securing a job in the government department(s) or private sector. Apparently, a suit for recovery could not have been filed for the said purpose and even if it could be filed, it could be difficult to establish the same where the payment was entirely in cash. Therefore, Respondent 6 found out a better medium to recover the said amount by building pressure on the appellant and his brother by lodging the FIR. Under the threat of criminal prosecution, maybe the appellant would have tried to sort out and settle the dispute by shelving out some money.

16. In conclusion, certain key observations from the factual matrix warrant a closer reflection. Prima facie, the conduct exhibited by the parties involved appears tainted with



suspicion, casting a shadow over the veracity of their claims. The report from the previous inquiry reflects a convoluted landscape and unveils a trail of unethical, maybe even criminal behaviour from both parties. The unexplained inordinate delay in bringing these allegations to the police's attention despite knowledge of previous inquiry, raises even more doubts and adds a layer of scepticism to the authenticity of the claims. The facts stated, as well as the prior inquiry, reveal a shared culpability between the parties, indicative of a complex web of deceit, and unethical transactions where even civil remedies may not be sustainable. Thus, the object of this dispute, manifestly rife with mala fide intentions of only recovering the tainted money by coercion and threat of criminal proceedings, cannot be allowed to proceed further and exploit the time and resources of the law enforcement agency."

Considering the aforesaid, I am of the opinion that the petitioner, having clean antecedent, has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District Court where the case is pending / Concerned Court in connection with Kaluahi P.S. Case No. 160/2025, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found



**that the petitioner is involved in some other cases, as what
has been stated in paragraph No.3 of the bail application,
this order will automatically lose its force.**

9. Accordingly, the present application stands
disposed of.

(Purnendu Singh, J)

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