

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9941 of 2015

Arising Out of PS.Case No. -133 Year- 2014 Thana -PARASBIGHA District- JEHANABAD

1. Mamta Kumari Wife of Abhay Kumar resident of village - Mahauri,
Police Station - Paliganj in the District of Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Opposite Party/s Mr. Anant Kumar(App)

CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

03/ 27.03.2015 Heard learned counsel for the petitioner as well as learned
Addl. Public Prosecutor for the State.

Petitioner apprehends her arrest in connection with
Parasbigha P. S. case no. 133/2014 registered under sections 420 and
406/34 of the Indian Penal Code.

Admittedly, petitioner executed an agreement for sale in
favour of the informant but accusation against her is that she
suppressed the fact of taking loan on the property which had been
mortgaged with a nationalized bank and the aforesaid fact came to the
notice of the informant after publication of auction notice in
newspaper in respect of lands in question.

Learned counsel appearing for the petitioner drew my
attention towards annexure 2, agreement for sale dated 5.6.2014 and
submitted that fact of taking loan from nationalized bank on the lands
in question had been mentioned in the agreement for sale itself and

moreover, informant had already filed Title suit no. 244/2014 against the petitioner. It is also pointed out by him that informant himself failed to comply with the terms and conditions of the agreement and several legal notices were given by the petitioner.

Photostat copy of plaint of Title suit no. 244/2014 has been annexed with this petition as annexure 4 and in para 2 of the aforesaid plaint, it has been mentioned that petitioner had taken loan from the concerned bank as she was in need of money and to liquidate loan amount, agreement for sale was executed and therefore, the aforesaid fact clearly goes to show that informant was aware about the aforesaid fact.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that in the event of arrest/ surrender within four weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Sub divisional Judicial Magistrate, Jehanabad in Parasbigha P. S. case no. 133/2014 subject to condition as laid down under section 438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)

U		T	
---	--	---	--