

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43741 of 2015

Arising Out of PS.Case No. -195 Year- 2013 Thana -ARA NAWADA District- BHOJPUR

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Ashwini Kumar Sahay @ Manoj Sahay Son of Late Chaturbhuj Sahay,
Resident of Village- Paiga, P.S. - Barhara, District - Bhojpur at Ara.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Opposite Party/s : Mr. Vinod Shankar Modi(App)

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 14-10-2015 Heard learned counsel for the petitioner, the State and
the informant.

The informant Ranjita Srivastav is the own niece of
the petitioner. She has alleged that the petitioner by setting an
imposter (Arti Devi) got some of the ancestral property
transferred in his favour.

Refuting the allegations, the petitioner submits that
Arti Devi is not an imposter but she is second wife of the
informant's father Ashok Kumar Sahay. He submits that first
wife of Ashok Kumar Sahay, Ginni Devi died on 8.7.2000 and
after her death, the former married Arti Devi on 20.12.2001. It
appears that some matrimonial differences arose between them
and Ashok Kumar Sahay filed Matrimonial case no. 75 of 2000
for divorce which got dismissed for non prosecution. Ashok

Kumar Sahai died on 26.8.2008. Thereafter Arti Devi sold her share to the petitioner.

Mr. Bakshi, learned counsel for the informant tried hard to convince that Arti Devi is not the 2nd wife, but an imposter. In alternative, he submitted that she sold the property in favour of the petitioner beyond her share.

In support of his submission that Arti Devi was the second wife, the petitioner submits that the Labour commissioner by his order directed Ashok Kumar Sahai to pay 50% of his retiral benefits of late Sahay to her. Late Ashok Kumar Sahay had also filed matrimonial case against Arti Devi. The informant now has also filed a title partition suit.

It goes without saying that if any one transfers the property beyond his/her share, the same would not have any legal sanctity and would be void to that extent.

Having regard to the facts of the case, let the petitioner as named above be released on bail in the event of surrender, on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction Chief Judicial Magistrate, Bhojpur at Ara in Ara Nawada Police station Case No. 195 of 2013.

The petitioner would not physically absent for two

consecutive dates at a stretch, till two witnesses are examined in the trial.

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(Samarendra Pratap Singh, J)

