

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.5069 of 2015**

Arising Out of P.S. Case No. -363 Year- 2014 Thana -BHAGALPUR KOTWALI District-  
BHAGALPUR

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1. Douli Jha, Wife of Late Rupesh Jha  
2. Kanaklata Devi, Wife of Bishnukant Thakur  
3. Bishnukant Thakur, Son of Tarni Thakur  
4. Madhbanand Madhav @ Madhavand Madhav, Son of Bishnukant Thakur  
All resident of Mohalla - Bikramshila Colony, Near Kalisthan, Urdu Bazar,  
P.S. - Kotwali (Tatarpur), District - Bhagalpur.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance:**

For the Petitioner/s : Mr. Subodh Kumar Jha, Advocate.

For the Opposite Party-State: Mr. Gopesh Kumar, A.P.P.

For the Informant: Mr. Amrendra Kumar & Mr. Ranjan Kr. Jha, Advocates.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

3      09-02-2015      Heard learned counsel for the petitioners, learned  
A.P.P. for the State and learned counsel for the informant.

The petitioners, four in number, apprehend their  
arrest in Kotwali (Tatarpur) P.S. Case No. 363/14 registered under  
Sections 419, 420, 467, 468 and 471/34 of the Indian Penal Code.

Kishori Devi, the mother-in-law of the petitioner no.  
1, alleged that her husband had purchased four Kathas, i.e. 2880  
Sq. Ft. of land in the year 1982 and constructed a house over half  
portion of the said land. She got two sons and two daughters. Her  
son Rupesh Jha was married with the petitioner no. 1 Dolly Jha on  
22.11.2010, but unfortunately her son Rupesh Jha died on  
14.12.2011. She alleged that after the death of her son, her  
husband also died and thereafter her daughter-in-law in collusion

with her father and brothers fraudulently sold half portion of the land on which the house was built.

Learned counsel for the petitioners submits that the petitioner no. 1 Dolly Jha executed the sale deed in order to pay up the loan of her husband. There is no allegation against the petitioners no. 2, 3 & 4, who are mother, father and brother of the petitioner no. 1.

On perusal of the records, it appears that the petitioner no. 1 happens to be the daughter-in-law of the informant. Her husband died within one year of her marriage. Her father-in-law could not sustain the shock and also died. Dolly Jha, petitioner no. 1, without getting her share carved out from the residential house in accordance with law, sold half of the land on which the house is situated whereas she has got only 1/5<sup>th</sup> share. The informant is residing in the house and she is being threatened to be ousted.

So far as the petitioner no. 1 Dolly Jha is concerned, considering the fact that she executed the sale deed with regard to the residential house in which the widow mother-in-law is residing without having got right to sale, I am not inclined to enlarge her on anticipatory bail. Hence, the same is rejected.

Considering the fact that there is no allegation against petitioners no. 2, 3 and 4, who happen to be mother, father and

brother of petitioner no. 1, the above named petitioners no. 2, 3 and 4, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhagalpur in Kotwali (Tatarpur) P.S. Case No. 363/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Prabhat Kumar Jha, J)**

Dilip/-

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