

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33185 of 2014

Arising Out of PS.Case No. -57 Year- 2013 Thana -SIGORI District- PATNA

Malti Devi Wife of Rajendra Singh Resident of Village - Chandosh, P.S. -
Sigori, District - Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s :

For the Opposite Party/s :

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

3 28-04-2015 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends arrest in Sigori P.S. Case
No. 57 of 2013 dated 19.08.2013 instituted under Sections
147/148/149/427/436/452 of the Indian Penal Code and 17 of the
C.L. A. Act.

As per the allegation the petitioner along with two
other named persons and 15-20 unknown persons are said to have

burnt the shop of the informant and other persons and identified by the informant.

Learned counsel for the petitioner submits that the land in question shown in the government records belong to the husband of the petitioner being his ancestral property for which even rent receipts are issued in his name and thus the informant with ulterior motive to put pressure for settling the land with him has lodged this false case. It is further submitted that the petitioner besides being a lady has no criminal antecedent.

Learned A.P.P., upon going through the case diary, submits that it has come during investigation that the petitioner was an active member of an extremist organization and that she used to entertain the cadres of that organization and further witnesses have not only seen her but one of the accused has also confessed with regard to the role of the petitioner. It is further submitted that during investigation it has been found that the petitioner and her husband were not in possession of the land and the informant and other shopkeepers were having their shops and thus the certificate issued by the Anchal Adhikari, Paliganj dated 25.03.2014 showing possession of the husband of the petitioner on the said land stands falsified. It is further submitted that there is clear and strong motive on the part of the petitioner to commit the

crime so as to free the land from encroachment. Learned counsel submits that there is nothing to show false implication for the simple reason that the husband of the petitioner in whose name the land in question is recorded has not been made an accused.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for regular bail before the court below, the same shall be considered on its own merits without being prejudiced by the present order, preferably on the same day.

(Ahsanuddin Amanullah, J)

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