

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2967 of 2015

Arising Out of PS.Case No. -40 Year- 2013 Thana -AIRPORT District- PATNA

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1. Prabha Pandey wife of Shambhu Pandey Resident of Mohalla- Ram Jaipal Nagar, New Bailey Road, P.S- Rupaspur, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ram Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 22-01-2015 Heard both sides.

The petitioner apprehends his arrest in Hawaii Adda P.S. Case No. 40 of 2013, registered for the offences punishable under Section 420 and some other Sections of the Indian Penal Code.

The informant alleged that Shailendra Kumar Pandey his wife Madhu Pandey and mother Prabha Pandey propose to give him house situated in Ramjaipal Nagar, Patna and executed a power of attorney. Shailendra Kumar Pandey and Madhu Pandey became witnesses to the deed and pursuant thereto the informant handover Rs. 23 Lacs to Shailendra Kumar Pandey, but after sometime they refused to execute the sale deed on such Shailendra Kumar Pandey and Prabha Pandey gave him a cheque of Rs. 10



Lacs and Rs. 8 Lacs respectively on 15.11.2012 and 22.11.2012. Shailendra Kumar Pandey issued another cheque of Rs. 5 Lacs on 29.11.2012, but all the three cheques were returned on account of insufficiency of fund. When the informant himself met Prabha Pandey she disclosed that her name is Rajkishori Devi and she happens to be mother-in-law of Shailendra Kumar Pandey. The informant admitted that the photographs and voter identity card of Rajkishori Devi was affixed on the deed of power of attorney in place of Prabha Pandey.

Learned counsel for the petitioner submits that the petitioner did not execute any power of attorney nor ever intended to sale her property to anybody. Her son has made all illegal acts by impersonating his mother-in-law Rajkishori Devi as Prabha Pandey. Her son received money and issued receipt. The petitioner filed petition stating all the facts before SSP, Patna. From the facts it appears that the petitioner never received any money nor executed any power of attorney to sale her property rather it was a conspiracy of her son Shailendra Kumar Pandey who impersonated his mother-in-law in place of Prabha Pandey and got the power of attorney executed in favour of the informant. It also appears that two other cases are also lodged by different persons on the same and similar allegation and the son of the petitioner has

committed all the wrongs.

Considering the facts aforesaid, the petitioner, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna in connection with Hawaii Adda P.S. Case No. 40 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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