

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23977 of 2016

Arising Out of PS.Case No. -70 Year- 2015 Thana -BHAIRABASHTHAN District- MADHUBANI

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Kiran Karn wife of Pawan Kumar Karn, daughter of Late Laxmi Kant Das,
Resident of village- Kako, P.S.- Bhairab Asthan, District- Madhubani, At
present Gita Niwas, Tarun Marg, P.S.- Tentolba, Birat Nagar (Nepal)

.... Petitioner

Versus

1. The State of Bihar
2. Nilam Mallik, W/O I.N. Mallik, R/O Village- Kako, P.S.- Bhairav
Asthan, District – Madhubani.

.... Opposite Parties

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Appearance :

For the Petitioner	: Mr. Raghwendra Pratap Singh, Advocate. Mr. Nachiketa Jha, Advocate.
For the Opposite Parties	: Mr. Rajendra Singh Shastry (App)
For the Informant	: Mr. Alok Kumar Agrawal, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 06-10-2016 Heard both sides.

The petitioner apprehends her arrest in Bhairab Asthan
P.S. Case No. 70 of 2015 registered for the offences punishable
under Sections 406 and 420 of the Indian Penal Code.

The informant alleged that she got three sisters and one
brother, she is the eldest sister. The informant's father purchased
some land in the name of her mother Gita Das. Her brother Anil
Das died in the year 1993 and on account of sad demise of her
brother, her father also died in the year 1998. Kiran Karn, the
petitioner was residing with her mother in Gita Niwas, Birat
Nagar, Nepal. Kiran Karn, the petitioner hatched up conspiracy

and persuaded her mother to execute the sale deed in favour of Meera Devi with regard to 2 Bighas and 9 Dhurs land situated in village Kako and Chaupta, Jhanjharpur, Madhubani.

Learned counsel for the petitioner submits that the petitioner is the sister of the informant. There is a land dispute between the parties and the informant asked for partition, but she did not file any partition suit. Admittedly, brother of the informant died in the year 1993 and the informant is not entitled to get any share in the share of her brother, as the mother was alive on that date. The mother of the informant executed the sale deed in favour of Meera Devi and there is nothing on record to show that the petitioner in anyway persuaded her mother to execute the sale deed.

On the other hand, learned counsel for the informant as well as learned APP vehemently opposed the prayer for anticipatory bail and submitted that the petitioner wanted to grab the entire lands including the share of the informant.

On the face, it appears that the dispute is with regard to partition of property, the mother of the informant executed sale deed in favour of Meera Devi. The petitioner neither executed the sale deed nor any material made against the petitioner that she connived with her mother.

Considering the facts aforesaid, the petitioner above named, 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 Additional Chief Judicial Magistrate, Jhanjharpur, Madhubani in Bhairab Asthan P.S. Case No. 70 of 2015, Subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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