

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58128 of 2015

Arising Out of PS.Case No. -62 Year- 2013 Thana -SAHARSA District- SAHARSA

1. Smt. Yogmaya Devi wife of Gaurishankar Singh resident of village-
Manganj, P.S. Jadia, District- Supaul

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh

For the Opposite Party/s : Mr. Pancha Nand Pandit (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 07-01-2016 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner apprehends arrest in connection with Saharsa
Sadar P.S. Case No. 62 of 2013 registered for the offences
punishable under Sections 406, 420, 120-B of the Indian Penal
Code.

Initially, a Complaint Case No. 313 of 2012 was filed by the
complainant which was subsequently registered as the present P.S.
Case. The allegation in the complaint case is that the complainant
is a government servant as such used to remain busy in his work
whereas the accused No. 8 and 1 are full brothers and other
accused persons are litigants and influential persons of the
locality. The informant stated that he had a land in ward no. 12/39
under Touzi No. 3551 under Mouza Sulindabad which falls under



the municipality area under Thana No. 197 Khata No. 237/905 old/new and plot No. 1176, 1177 and 1178 as well as name of some other plot were given as belonging to the informant. It was stated that there was no male member in the family to look after the land as such the accused No. 1 being close relative of the informant appointed the accused No. 1 to look after the Two Bigha land and executed a General power of attorney in order to look after the property which is recorded in Jild No. 158 Book No. 4 Jild No. 3 page No. 151-168 on 15.12.11. It was alleged that the accused No. 1 became negligent in looking after the lands of the informant, as such, the power of attorney in favour of accused No. 1 was declared ineffective and informed to the accused No. 1 by registered Notice dated 08.02.12. The accused No. 1 refused to receive the legal notice as such the same was returned on 15.02.12 thereafter the accused No. 1 executed registered sale deed with regard to land of the informant in favour of other accused persons on the basis of same power of attorney.

It has been submitted by the counsel for the petitioner that she has been falsely implicated in the said case and has no criminal antecedent which finds place at para-3 of this petition. It has further been submitted that there is a dispute with regard to the informant and her relative Sumeet Kumar Verma accused No. 1 in

favour of whom the informant had executed power of attorney to execute and look after her land. The said power of attorney was revoked by the informant on 08.02.2012 but the land has been registered with the petitioner who is a third party and not concerned with the family affairs of the informant and the said Sumeet Kumar Verma. The said deed was registered on 06.02.2012 before the revocation of power of attorney. It has further been submitted that the petitioner is not concerned with the internal dispute of the informant and Sumeet Kumar Verma accused No. 1, and a valid registered document regarding the said land is in favour of the petitioner and already the mutation and rent receipt is in her favour, as such she has committed no offence.

Under such circumstances, let the petitioner, namely, Smt. Yogmaya Devi in the event of her arrest/surrender within a period of six weeks from today before the Court below be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saharsa in connection with Saharsa Sadar P.S. Case No. 62 of 2013 subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Nilu Agrawal, J)

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