

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31546 of 2016

Arising Out of PS.Case No. -1954 Year- 2015 Thana -PATNA COMPLAINT CASE District-
PATNA

=====

Smt. Komal Devi @ Komal Kumari @ Kamal Kumari wife of Sanket Kumar,
Residence of Village- Simra, P.S.-Janipur, District-Patna.

.... Petitioner/s

Versus

1. State of Bihar
2. Rameshwar Sharma son of Late Tihadhari Singh, village-Simra, P.S.-Janipur,
District-Patna at present village-Mohmad Pur, P.S.-Phulwari Sharif, District-
Patna.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s	:	Mr. Gopal Govind Mishra, Advocate.
For the State	:	Mr. Rajeev Nayan, Advocate.
For the Complainant	:	Mr. Kumar Alok, Advocate.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 22-10-2016

Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the complainant (opposite
party no. 2), who has suo motu appeared.

The petitioner apprehends arrest in connection with
Complaint Case No. 1954-C of 2015 instituted under Sections
419/468/471/120B of the Indian Penal Code.

As per the allegation, the petitioner presenting herself
as the wife of the complainant, who was shown to be deceased, had
executed sale deed of the land of the complainant.

Learned counsel for the petitioner submits that in the
registration deed itself, the name mentioned is Lilawati Devi @ Lalita
Devi whereas the petitioner is Komal Devi @ Komal Kumari @

Kamal Kumari. It is submitted that the allegation is false, frivolous and fabricated and in any view of the matter, the issue relating to execution of the sale deed is a civil dispute and not criminal. It is further submitted that for cancellation of the said sale deed, Title Suit has also been instituted by the complainant and his wife.

Learned A.P.P. and learned counsel for the complainant oppose the prayer for anticipatory bail. It is submitted that the matter is purely criminal in nature, for the reason, that the petitioner is impersonated herself as the wife of the complainant and the suit is for getting the sale deed cancelled, as is required in law, but the same shall not absolve the petitioner of criminal liability. Learned counsel points out to the sale deed itself in which the photograph of the petitioner is printed though her name is written as Lilawati Devi @ Lalita Devi. It is submitted that the said photograph has not been disputed and the same was taken before the Registering Authority and even the finger prints have been recorded. It was further submitted that there is another criminal case, bearing Shastrinagar P.S. Case No. 344 of 2015 dated 23.06.2015, instituted against the petitioner, but the same has not been disclosed in the present writ application which amounts to suppression of fact and on this ground alone, the application should be dismissed. Copy of the said case has been produced by the learned counsel for the

complainant and the same is taken on record.

Learned counsel for the petitioner is not in a position to dispute the aforesaid contentions.

Having considered the facts and circumstances of the case, the Court is not inclined to enlarge the petitioner on anticipatory bail.

Accordingly, the application stands dismissed.

In view of such suppression of fact, a cost of Rs. 25,000/- is imposed on the petitioner, to be deposited with the Patna High Court Legal Services Committee, within one month from today, failing which the Registry shall place the matter before the Bench for appropriate orders.

(Ahsanuddin Amanullah, J)

P. Kumar/-

U			
---	--	--	--