

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41024 of 2015

Arising Out of PS.Case No. -250 Year- 2015 Thana -BHABHU(KAIMUR) COMPLAIN C District-
BHABHUA (KAIMUR)

Most. Poonam Kuer, W/o Late Rajender Tiwary, resident of village-
Parhauti, P.S.- Karagahar, District- Rohtas. Presently residing at Village
Jahanabad (Kalpur Basawan Road), P.S.- Kudra, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar.
2. Smt. Madhu Devi W/o Rajesh Gupta, resident of village- Lalapur
Basawan Road, P.S.- Kudra, Dist- Kaimur.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Yadav
For the Opposite Party/s : Mr. Hirday Pd. Singh(App)

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 09-05-2016 Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

The petitioner apprehends his arrest in
connection with Complaint Case No. 250 of 2015
for the offences registered under Sections 420, 465,
468, 120B of the Indian Penal Code.

Learned counsel for the petitioner submits
that an out an out a frivolous case has been lodged
against the petitioner stating that she has sold the
land to the opposite party no. 2 though the land had
earlier been sold by her husband. Admittedly,



opposite party no. 2 after purchasing the land has been put in possession and mutation had also been effected. However, subsequently, some rumor arose and on the basis of said rumor, the petitioner is now facing prosecution. Learned counsel for the petitioner further submits that whatever may be the allegation against the petitioner, the same can well be resolved in a court of competent jurisdiction by filing a civil suit for declaration of title and confirmation of possession.

Learned counsel for the State submits that the petitioner has defrauded the opposite party no. 2 by selling the land and therefore, she has committed the offence punishable under Section 420 of the Indian Penal Code.

Considering the aforesaid facts and circumstances of the case and that the case is purely of civil nature, let the petitioner, above named, in the event of his 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, be released

on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bhabua (Kaimur) in connection with Complaint Case No. 250 of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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