

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19376 of 2017

Arising Out of PS.Case No. -491 Year- 2013 Thana -BHABHUA District- BHABHUA (KAIMUR)

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Dhwani Agrawal @ Dwani Agrawal @ Kirti Bansal, Wife of Sanjay Bansal, Resident of 48 Tirupati Nagar Indore, P.S. Airdrome, District-Indore (M.P.).

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Mishra

For the Opposite Party/s : Mr. Mr. Manoj Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL ORDER

7 02-08-2017 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends her arrest in connection with Bhabua P.S. Case No. 491 of 2013, registered under Sections 420, 467, 471, 447 and 120B of the Indian Penal Code.

The allegation of informant, Sudha Agrawal, is that her parents Nalinikant Agrawal and Mithlesh Kuamri were murdered on 17.10.2003, regarding which, Bhabhua P.S. Case No. 298 of 2003 was instituted, in which, Sanjay Tiwary was convicted for live imprisonment but other Accused persons were acquitted. The gang belonging to Sanjay Tiwary got managed to execute the sale deed in respect to her parent's land in the name of



Birendra Kumar, Srinivash Singh, Arun Kumar brother of Ramshewak, Babarjit Choubey and Rajendra Singh. On query, the informant came to know that the said persons got executed the sale deed, in which, the vender's name is shown as Kirti Bansal @ Dhawani Agrawal (petitioner), who was the wife of late Dharmendra Agrawal, brother of the informant and the death of Dharmendra Agrawal, she had already performed re-marriage at Indor during the life time of her parents. As such, she had no right and title to execute the sale deed.

Learned counsel for the petitioner submits that, admittedly, petitioner was the wife of late Dharmendra Agrawal, brother of the informant and after the death her husband she acquired right and title over the property, which is sold by her. Moreover, informant, her sisters Sudha Agrawal and two others have filed the Title Suit No. 453 of 2016 for cancellation of the sale deeds, which would appear from annexure 2 to the application.

Learned counsel for the informant submits that, in fact, Dharmendra Agrawal, brother of the informant, whose marriage was performed with the petitioner, died during the life time parents of informant. As such, she has no right and tile to execute the sale deeds.



Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Bhabua, Kaimur, in connection with Bhabua P.S. Case No. 491 of 2013, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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