

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33908 of 2017

Arising Out of PS.Case No. -75 Year- 2015 Thana -LAHERIASARAI District- DARBHANGA

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1. Most Chandra Kala Devi D/o Late Sahjanand Mishra, R/o Village-Pattor Tola, Laxmipur, Police Station- Ashok Paper Mill, District-Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhubneshwar Prasad

For the Opposite Party/s : Mr. Smt. Asha Devi

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 12-09-2017

Heard learned counsel for the petitioner and the State.

The petitioner apprehends arrest in Laheriasarai P.S. Case No. 75 of 2015 instituted for the offence under Sections-406, 420, 427, 120B of the Indian Penal Code.

It is alleged that on 02-12-2012, the petitioner executed sale deed in favour of wife of the informant with respect to the land as mentioned in the FIR. It is further alleged that when the informant stored the material for construction of his house, then the informant learnt that on 23-03-2006, Mahasundari Devi has already executed a deed of gift in the name of Rekha Devi. It is alleged that in this manner, the petitioner has cheated the informant.

It has been submitted on behalf of the petitioner that she has no knowledge about the said deed of gift, which has been executed by her mother-in-law in favour of her elder Gotani, Rekha Devi. It has further been submitted that the petitioner has not misappropriated the consideration amount. She has already executed the sale deed with respect of the aforesaid



land in favour of wife of the informant. Therefore, the matter relates to civil dispute and for redressal of the same, civil remedy is available to the informant.

In such circumstances, prayer for anticipatory bail is allowed and it is ordered that the petitioner named above in the event of her arrest or surrender in the court below within six weeks from the date of receipt/production of copy of this order, shall be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each in connection with Laheriasarai P.S. Case No. 75 of 2015 to the satisfaction of learned Additional Chief Judicial Magistrate-III, Darbhanga subject to condition as laid down u/S 438(2) of the Cr.P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason, will automatically cancel bail bond of the petitioner and (3) if petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Sanjay Priya, J)

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