

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17501 of 2017

Arising Out of PS.Case No. -55 Year- 2014 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, Advocate.
For the State : Mr. Sri Tarun Prasad Mandal, Advocate.
For the informant : Mr. Rajendra Narain, Sr. Advocate.
Mr. Ashok Kuamr Garj, Advocate.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

5 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. 55 of 2014, 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 Kumari were
murdered, regarding which, Bhabhua P.S. Case No. 298 of 2003
was instituted, in which, Sanjay Tiwary, member of gang, was
convicted and sentenced for live imprisonment. The gang leader
Mangal Choubey, who is involved in several cases under
conspiracy, got managed to execute the sale deeds in respect



to her parent's land in the name of his own brother, Sabarjit Choubey on 09.01.2014. Similarly sale deeds were also got executed in favour of Basist Bind, Hridaya Narayan Bind, Santosh Bind, Birendra Kumar Bind and Ram Sheshevak Yadav, who were also involved in the murder of parents of informant. On enquiry, the informant came to know that in the aforesaid sale deeds 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 after the death of her husband, she has performed re-marriage at Indor during the life time of parents of informant, 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 said to be sold by her. Moreover, informant, her sisters Sudha Agrawal, Savita Gupta and Mandari Agrawal have filed the Title Suit No. 453 of 2016 against the petitioner and verders for cancellation of the sale deeds, which would appear from annexure 2 to the application. It is further submitted that petitioner has not denied about execution of the sale deeds and claimed title over the land in dispute. As



such, no offence is made out under Section 420, 467, 471, 447 and 120B of the Indian Penal Code.

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 of parents of informant. As such, she has no right and tile to execute the sale deed.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his 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. 55 of 2014, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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