

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3388 of 2018

Arising Out of PS.Case No. -2438 Year- 2016 Thana -BEGUSARAI COMPLAINT CASE District-
BEGUSARAI

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Kaleshwari Devi wife of Suraj Mochi @ Suraj Das, resident of village –
Bhawanandpur, PS-Virpur, District-Begusarai.

.... Petitioner/s

Versus

1. State of Bihar.
 2. Bibha Devi wife of Shankar Das, resident of village – Khatopur, PS-
Muffasil (Lakho O.P.), District-Begusarai. Opposite Party/s
- =====

Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Opposite Party/s : Sri Akhileshwar Dayal

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

2 02-02-2018 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner apprehends arrest in connection with
Complaint Case No. 2438C/2016 registered for the offences under
sections 323, 341, 406, 420, 467, 468, 471, 506/34 of the Indian
Penal Code, but the cognizance has been taken under section 420,
120 (B)/34 of the Indian Penal Code.

The complainant of this case is sister-in-law of the
petitioner. It is alleged that this petitioner entered into an
agreement to transfer the land measuring 2½ dhur of her share in
favour of the complainant. In this regard, an agreement
(Mahadnama) was also executed in favour of the complainant, but
the petitioner violated the terms of contract and sold the land to



the co-accused Pramila Kumari and Arvind Kumar by virtue of registered sale deed dated 19.05.2016. The petitioner therefore committed fraud and forgery and also committed breach of trust by taking earnest money. It has been submitted that neither any agreement was executed nor the petitioner has agreed to transfer any land in favour of the complainant. The dispute between the parties is purely a civil dispute for which the complainant has remedy to file a suit for specific performance of contract. The husband of the petitioner has been allowed regular bail and the another co-accused, who has alleged to be subsequent purchaser, has also been allowed anticipatory bail by one of coordinate Bench of this Court in Cr. Misc. No. 59602 of 2017.

The learned Additional Public Prosecutor on the other hand, opposed the submission.

Considering the facts and circumstances, as stated above, the prayer for bail is allowed and the above named petitioner, in the event of arrest or surrender before the learned court below within six weeks from today, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VI, Begusarai in connection with Complaint Case No. 2438C/2016, subject to conditions as



laid down under section 438(2) Cr.P.C. with further conditions:

(1) one of the bailors of the petitioners shall be local person having sufficient immovable property within the jurisdiction of the concerned Court, (2) the petitioner will not induce any witness or tamper with the evidence (3) the petitioner shall cooperate in the disposal of trial and make herself available as and when required by the court.

(Sanjay Kumar, J)

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