

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.19882 of 2018

Arising Out of PS.Case No. -177 Year- 2017 Thana -SAMASTIPUR MUFFASIL District-
SAMASTIPUR

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Anupama Devi @ Anupam Devi, Wife of Alok Kumar, resident of Village-
Dudhapura, P.S.- Samastipur Muffasil, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mosmat Lalita Devi, wife of Late Lal Babu Sahni, Presently Residing
at- C/o D.N. Jha, Near B.Ed. College, P.S. Samastipur Town, District-
Samastipur.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate
Mr. Thakur Bikram Singh, Advocate

For the Opposite Party/s : Mr. Sri Sanjay Kumar Tiwary

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 05-04-2018

Heard learned counsel for the petitioner and
learned APP the State.

The petitioner is apprehending her arrest in a
case registered for the offences punishable under Sections 323,
341, 376, 395 and 504/34 of the Indian Penal Code.

The prosecution case got initiated with the
filing of Complaint Case No. 339 of 2017 which has been
ultimately registered as police case after complaint being



transferred under Section 156(3) of the Code of Criminal Procedure.

The prosecution case is that the informant is the widow, whose husband died long ago and she maintained herself by working in a hotel as domestic help. Since last five years the husband of the petitioner, Alok Kumar got acquainted with the informant and on promise of marriage established physical relationship, as a result, she was blessed with a male child. Alok Kumar took Rs.Two lacs from the complainant for purchase of a land and construction of house. Consequently, Alok Kumar transferred 10 dhurs of land in favour of the informant. Subsequently, Alok Kumar got constructed a temporary structure for living of the informant. Subsequently the informant shifted in the new structure and asked Alok Kumar to marry, thereafter Alok Kumar started making whole lot of excuses. The informant went to her parents' house and when she returned on 04.03.2017 she found the entire articles of the house missing. It is further found that the petitioner and her husband Alok Kumar are making fresh construction on the land of the informant. On protest being made this petitioner not only abused but gave life threatening to the informant.

It is submitted by learned counsel for the



petitioner that there was a dispute between petitioner's husband and the informant with regard to the transfer of a land. Though, initially the land was transferred by the husband of the petitioner in favour of the informant but subsequently she was selling the same land at higher price and then the husband of the petitioner again repurchased the same, though, there was dispute with regard to the quantum of the consideration amount and in that background the accusation has been levelled. However, the thrust of accusation is against the husband of the petitioner, who has been granted anticipatory bail vide A.B.P. No. 1575 of 2017, as contained in Annexure-2, by learned Sessions Judge considering the accusation levelled in the background of land dispute.

Learned APP, however, submits that the petitioner is also named in the FIR.

Considering the fact that the thrust of accusation is against the husband of the petitioner, who has been granted anticipatory bail by learned Sessions Judge, petitioner is a lady and a statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned court below within a



period of twelve weeks from today, 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-Vth, Samastipur in connection with Samastipur Muffasil P.S. Case No. 177 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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