

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11761 of 2018

Arising Out of PS.Case No. -167 Year- 2017 Thana -HATHAURI District- MUZAFFARPUR

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Indu Sinha, W/o Sri Uma Nath Prasad Singh, resident of Mohalla-
Panchwati Colony (Behind Science College), P.O.- Khabra, P.S.- Sadar,
District- Muzaffarpur, Permanent Address resident of Village- Narma, P.S.-
Hathauri, Distt.- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar, Advocate.
For the informant : Mr. Kumar Praveen, Advocagte.
For the Opposite Party/s : Mr. Rajesh Kumar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 08-03-2018 Heard learned counsel for the petitioner, learned
counsel for the informant and learned counsel for the State.

The petitioner apprehends her arrest in **Hathori P.S.**
Case No. 167 of 2017 instituted for the offence under Sections
341, 323, 379, 420, 467, 468, 471, 504 and 120(B) of the Indian
Penal Code.

It is alleged by the informant that her husband died in
the year 2011. After the death of her husband, her mother-in-law
used to abuse her. It is further alleged that she got a piece of land
from family partition of her husband. After death of her husband,
when she went on the aforesaid land, her mother-in-law and
Dewar abused and assaulted her and snatched golden chain worth



Rs.45,000/-. It is alleged that when she asked about the papers of the said land, her mother-in-law told her that her husband had executed sale deed of aforesaid land in her favour on 3.8.2009. It is further alleged that when the informant verified the documents and paper of the said land, she came to know that the land has fraudlently been got transferred in the name of her mother-in-law through a fake person. The Kewala does not bear the photo and signature of her husband.

Learned counsel for the informant has appeared and submitted that signature of the husband of the informant in the alleged sale deed is not correct. Some other person has impersonated in the aforesaid sale deed.

Learned counsel for the petitioner has submitted that the alleged sale deed was executed in the year 2009. The husband of the informant was alive till 2011. As per written report itself it appears that the husband of the informant died in the year 2011. This case has been filed in the year 2017.

In such circumstances, this Court is of the view that civil remedy is available to the informant for redressal of her grievance.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the



event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Hathauri P.S. Case No. 167 of 2017**, she shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of **learned Additional Chief Judicial Magistrate-cum-Sub Judge-10th, Muzaffarpur**, subject to the conditions as laid down under Section 438 (2) 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 his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond 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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