

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16995 of 2019

Arising Out of PS. Case No.-613 Year-2017 Thana- BUXAR District- Buxar

CHANDRA TARA KUNWAR Wife of Late Subh Narayan Ojha R/o village-
Kharhatand, P.S.- Simri, District- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nigamanand Ojha, son of late Shashi Bhushan Ojha, Resident of village-
Kharhatant, P.S.-Simri, District-Bursar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Arun Kumar Pandey
For the Opposite Party/s :	Mr.Umanath Mishra
	Mr. Binod Bihar Singh
	Mr. Amarjeet Chaudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 15-07-2019 The petitioner apprehends his arrest in connection with Buxar (T) P. S. Case No. 613 of 2017 registered under Sections 120B, 420,467,468,471 and 472/34 of the Indian Penal Code.

Allegation against the petitioner, as per typed copy of the FIR, is that ancestral land of the informant is situated in Kharhatand, Thana No. 503, P.S.- Simari, District-Buxar and petitioner Chandra Tara Kunwar has executed forged and fabricated sale deed No. 8586/2017 in conspiracy with other co-accused. It has further been alleged that Title Suit No. 29 of 1938 and Execution Case No. 31 of 1946 have also been decided against the family of the petitioner and despite that, she has executed the sale deed of the said land in question.



Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case inasmuch as she belongs to the same family of having common ancestor and alleged sale deed executed by her is her ancestral property in which petitioner has also got share. Accordingly, learned counsel for the petitioner submits that petitioner has rightly executed the sale deed of the land which falls in her part. He further refers to genealogical table and submits that common ancestor was Ram Pratap Ojha and petitioner and informant, both are the heirs of Laxmi Ojha and from perusal of page 32 of this application, it would be apparent that in the Title Suit No. 29 of 1938, Laxmi Ojha was one of the defendants whereas plaintiff was one Mosmat Basmato Kunwar.

On the other hand, learned counsel appearing on behalf of the informant vehemently opposed the prayer for anticipatory bail and has submitted that petitioner, after committing forgery, has executed fraudulent sale deed having no title of the land in question and has further submitted that mutation has also been done in favour of the family of the informant and also in favour of the informant. Accordingly, learned counsel submits that petitioner does not deserve privilege of anticipatory bail having committed forgery knowingly.



After having heard learned counsel for the parties and taking into consideration the fact that dispute between the parties appears to be a dispute of civil nature and further the parties come from common ancestor as such I am inclined to grant anticipatory bail to the petitioner. Let the petitioner, above-named, in the event of arrest or surrender before the court below within a period of four weeks from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Buxar in connection with Buxar (T) P.S.Case No. 613 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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