

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19494 of 2019

Arising Out of PS. Case No.-1275 Year-2016 Thana- PATNA COMPLAINT CASE District-
Patna

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Rekha Singh, Wife of Late Jyotirmayee Prasad, Resident of Rajendra Nagar,
Road No.12, Police Station- Kadamkuan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vibha Saxena, Wife of Sri Anjani Kumar Saxena, Resident of Tarni Prasad Lane, Police Station- Khajekalan, District- Patna, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Nandan Prasad
For the Opposite Party/s : Mr.Anita Kumari Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 24-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner apprehends her arrest in connection with Complaint Case No.1275 (C) of 2016 in which cognizance has been taken for the offence punishable under Sections 467, 468, 471 and 420 of the Indian Penal Code.

The allegation against the petitioner is that the complainant along with her husband had entered into a development agreement for land of the complainant situated at Dak Bunglow road on 09.09.1995 and as per the terms and conditions, 50 per cent of constructed structure was to be given to the complainant by the developer. It has further been alleged that petitioner created a forged documents of her shop bearing Shop No.102 and 101 and



sold in favour of accused No.3 who is brother of accused No.2.

Mr. Raj Nandan Prasad, learned counsel appearing for the petitioner submits that from perusal of the complaint at best dispute is of civil nature pertaining to breach of agreement, if any. He further submits that the husband of the complainant was land owner who entered into a development agreement with the husband of the petitioner to construct shop, flat, offices etc. over the land belonging to complainant's husband and complainant. He further submits that the complainant is not in a position to show any document that the Shop No.101 and 102 were allotted by the builder in her favour. Learned counsel further submits that earlier a similar type of complaint was lodged by the husband of the complainant, Anjani Kumar Sharma, in which the petitioner was also made accused.

Learned counsel relies upon Annexure-2 and submits that in the earlier complaint, Abhay Kumar, who is the brother-in-law of the complainant in his statement during inquiry has categorically stated that builder had given Shop No.201 and 202 to the complainant and on the basis of the statement, it is evident that the complainant has no concern with Shop No.101 and 102. Learned counsel further submits that in the earlier complaint lodged by the husband of the complainant pertaining to Shop No.101 and 102, petitioner was granted anticipatory bail in Cr. Misc. No.46858 of



2017 and the present complaint has been filed by the wife of land owner for the same flat, i.e., Flat No.101 and 102.

After having heard learned counsel for the petitioner as well as learned counsel appearing on behalf of the State and taking into consideration the fact that earlier a complaint was filed pertaining to the same flat by the husband of the complainant and further that dispute appears to be civil in nature regarding allotment of share between developer and land owner, as such, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner is directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by her, she shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-X-cum-A.C.J.M., Patna, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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