

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.28868 of 2019

Arising Out of PS. Case No.-1246 Year-2018 Thana- BIHTA District- Patna

MOSTT SHOBHA DEVI, aged about 65 years, Male, W/o Late Surendra Singh, R/o Kishunpur (Sikandarpur), P.S.- Bihta, District- Patna
... Petitioner

Versus

1. The State of Bihar
2. Usha Devi, w/o late Dayanand Prasad, r/o village Mundhi, P.O. Kateshar, P.S. Bihta, district Patna
... Opposite Parties

Appearance :

For the Petitioner : Mr.Dhananjay Kumar Tiwary, Adv.
For the State : Mr.Anant Kumar I, APP
For OP No. 2 : Mr. Ram Sewak Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 09-08-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with Bihta P.S. Case No. 1246 of 2018 for the offences alleged under Sections 341, 323, 504, 506, 467, 468, 406, 420 and 120B of the Indian Penal Code.

The accusation is that in the mediation of Gajendra Pratat Singh, complainant/opposite party no. 2 purchased 2 katha, 9 dhur and 12 dhurki land of petitioner on payment of Rs.9,90,000/- and name was also mutated in the revenue record. When the complainant/opposite party no. 2, Usha Devi, went on spot for measurement, then, she came to know that the purchased land was already sold by husband of petitioner to one Santosh Kumar on 17.07.1991, as such, the petitioner cheated the complainant/opposite party no. 2.

Learned counsel appearing for the petitioner submits



that after execution of sale deed by the petitioner, the complainant/opposite party no. 2 got mutated her name in revenue record, but, on showing a fake deed by Santosh Kumar she lodged the present case while the name of Santosh Kumar was not mutated in revenue record. The petitioner is a lady has no criminal antecedent.

Learned Additional Public Prosecutor for the State opposes the prayer for pre-arrest bail.

Having regard to the facts and circumstances of the case, let the petitioner, above named, in the event of surrender/arrest, within a period of four weeks from today, in connection with Bihta P.S. Case No. 1246 of 2018 shall be released on pre-arrest bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, I, Danapur, Patna, or the successor Court subject to the conditions as laid down under Section 438(2) Criminal Procedure Code.

(Rajendra Kumar Mishra, J)

Shamshad/-

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