

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35561 of 2019

Arising Out of PS. Case No.-870 Year-2018 Thana- PATNA COMPLAINT CASE District-
Patna

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Shahazadi Parveen, aged about 51 years, Female, Wife of Md. Jalil, Resident of Mohalla - Jama Masjid Road, Hazaribagh, P.S.- Dakghar, Distt - Hazaribagh (Jharkhand)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarun Kumar Gupta, aged about 30 years, Male, Son of late Paswan Kumar Gupta, Director, M/s Shakti Coke Industries Pvt. Ltd. 95 Regency Garden, New Patliputra Colony, Distt - Patna (Bihar)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amresh Kumar Sinha, Advocate
For the Opposite Party/s : Mr.Ansar Ul Haque

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 28-08-2019 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

The petitioner apprehends her arrest in connection with Complaint Case No. 870 (C) of 2018 registered for the offences punishable under Sections 420/467/468/471 and 120(B) of the Indian Penal Code.

The complaint case in brief is that complainant is Director of M/S Shakti Coke Industries Pvt. Ltd. It is said that on 10.06.1992, the company purchased a plot from Sudeshwer Narayan Das area 13 decimal in Mauja Morangi, Hazaribagh, and purchased another land by Uma Kant Pandey of area 16



decimal on 30.09.1991. It is further alleged that those lands were purchased in name of Directors, when his father Pawan Kumar Gupta and Md. Jamil was Directors of M/S Shakti Coke Industries Pvt. Ltd. It is alleged that Md. Jamil was terminated from Director on 28.03.2017. It is further said that on 27.01.2018, complainant came to know Md. Jalil has executed a lease deed in favour of one Vijay Kumar Singh and on deep enquiry, it reveals that on 29.01.1996 a forged sdale deed was executed in name of Md. Jalil, by getting false person in name of Pawan Kumar Gupta and transferred 1 acre 33 decimal of land to another by putting forge signature of Pawan Kumar Gupta. It is also alleged that Md. Jalil has sold the land which was in name company through his Directorship has executed the sale deed in name of his wife, the petitioner on 24.01.1996.

Learned counsel for the petitioner submits that no offence is made out against the petitioner. The petitioner is bonafide purchaser of the said land and has nothing to do with any affairs of the complainant. Learned counsel for the petitioner has further submitted that the present case is purely civil in nature and no any criminal offence is made out.

Learned counsel for the petitioner submits that the real fact of the case is that the husband of the petitioner was filed a



case under Section 138 N.I. Act for dishonour of cheque of Rs.1,71,000/- at Hazaribagh Court and thereafter one Money suit was filed against the father of the complainant and final order was passed in Money suit and thereafter, even execution was filed. It is further submits that in retaliation of 138 of N.I. Act case and Money suit, Pawan Kumar Gupta had filed a complaint case against the husband of the petitioner having Complaint Case No. 1405 (c) of 1996, which is still pending. Learned counsel for the petitioner further submits that from Annexure-4 of the complaint case, it would be clear that land was given on lease to one Vijay Kumar Singh for putting Cement Pole Factory on 28.08.2007 when Sri Pawan Kumar Gupta was alive and never made any complaint till his life time as he died in the year 2008 which goes to show that the present case has been filed with ulterior motive of complainant to put their illegal pressure upon the petitioner and her husband. It is further submits by the learned counsel for the petitioner that in execution case of decree of Money suit, the property of Pawan Kumar Gupta which are in hands of complainant are going to be attached and therefore the present case has been filed.

Learned counsel appearing on behalf of the informant submits that the said land was purchased in the name of M/S



Shakti Coke Industries Pvt. Ltd. and one of the Director Md. Jalil. It is further submitted by the learned counsel for the informant that the Director has no power to transfer any land to another person but one of the Directors Md. Jalil transferred of the company land in the name of Shahazadi Parveen, wife of Md. Jalil. Learned counsel for the informant further submits that on 29.01.1996, a forged sale deed was prepared by the accused by another unknown person as Pawan Kumar Gupta and transferred a plot of Khata No.01 and 61, Tauzi No.28, Thana No.257, Plot No.01 and 172, Area 01 acre 33 decimals in his name by putting the forged signature of Pawan Kumar Gupta. It is further submitted that it is transpired that on 24.01.1996, the accused Md. Jalil as showing as self acquired property sold the land of the company to his wife, namely, Shahazadi Parveen bearing Khata No.01 and 61, Plot No.01 and 172, Thana No.257, Area 68 decimals, which is situated at Mauza Morangi, P.S. and District Hazaribagh. It is further submitted that the accused Md. Jalil in planned way in conspiracy with his wife (Accused No.2) transferred the whole lands of the said plots of the complainant's company in his name by projecting an unknown person in place of Pawan Kumar Gupta and also the accused Md. Jalil by showing self property of the complainant's



company sold the companies land in the name of his wife and hence committed forgery, Criminal Breach of Trust and dishonesty cheated to the complainant's company.

I have gone through the materials available in the bail petition. It is evident that one of the Directors Md. Jalil has transferred the land in the name of his wife in the year 1996 itself when he was Director of the Company.

It is admitted fact that lands were purchased with the name of Director. When the husband of the petitioner was one of the Director of M/s Shakti Coke Industries Pvt. Ltd., there is no power to the Director to sold the land of the company to his wife, namely, Shahazadi Parveen (petitioner).

In the facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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