

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.47603 of 2019

Arising Out of PS. Case No.-70 Year-2012 Thana- MAGADH UNIVERSITY District- Gaya

KAMLA DEVI, aged about 64 years, Male, Wife of Late Vishwanath Singh
@ Late Vishvnath Singh, Resident of Village - Khajwati, P.O.- Koshila, P.S.-
Magadh University, Distt – Gaya ... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Md. Javed Jafar Khan, Adv.

For the Opposite Party : Mr. Raj Kishore Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 31-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Magadh University P.S. Case No. 70 of 2012 for the offences alleged
under Sections 341, 323, 406, 504, 506 and 34 of the Indian Penal Code.

The accusation is that informant, Shakuntla Devi, and her
husband, Arun Singh, talked to Kamla Devi, wife of late Vishwanath
Singh, other family member and her son-in-law, Uma Shankar Singh,
to purchase her 24 katha land at the rate of Rs.15,000/- per katha and
agreement of sale was executed on 29.07.2007, after giving the advance
of Rs.21,000/-. The informant and her husband paid Rs.3,01,000/- on
11.06.2008 to Kamla Devi and her son-in-law, Uma Shankar Singh, both
executed the sale deed on taking the amount with respect to 19 katha. A
Panchayati was arranged in which Kamla Devi became ready to sell the
remaining 5 katha land on taking the remaining amount, but, she did not
pay any heed.

The submission of the learned counsel for the petitioner is that



it would appear from first information report that out of 24 katha, 19 katha land has already been sold through sale deed in favour of the informant on taking the consideration amount and only the claim of the informant is that remaining 5 katha is not being sold by the petitioner and her family members on taking the remaining amount. Further submission is that dispute is of civil in nature.

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 Magadh University P.S. Case No. 70 of 2012 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 Shri Kumar Gunjan, Judicial Magistrate, 1st Class, Gaya, 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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