

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44216 of 2019

Arising Out of Case No.-331 Year-2017 PURNIA COMPLAINT CASE District- Purnia

POONAM DEVI W/O Late Ashok Prasad Keshri Resident of Madhubani,
P.S.- K.Hat, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramchandra Prasad Keshri S/O Late Saryug Prasad Sah Resident of Madhubani, P.S.- K.Hat, District- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 18-07-2019 Heard both sides.

The petitioner apprehends her arrest in Complaint case No. 331 of 2017 for the offences allegedly committed by the petitioner under Section 420, 467, 468, 471,34 of the IPC.

The complainant alleged that there was Partition Suit No. 210 of 1970 and that suit was decreed on compromise on 14.09.1971. The lands mentioned in Schedule-B of the compromise petition fell in the share of Ashok Prasad Keshri, husband of the petitioner, and lands of Schedule-G fell in the share of Ramchandra Prasad Keshri, the complainant. The complainant further alleged that lands of R.S. Khata No. 428, R.S. plot No. 2740 was allotted to the share of complainant in schedule-G of the compromise petition but after death of Ashok Prasad Keshri, his widow, Poonam Devi, claimed the land of R.S. Khata No. 428, R.S. plot No. 2740 and sold the land.

The learned counsel for the petitioner submits that



complainant also filed Title Suit No. 409 of 2013 on 09.12.2013 for setting aside the sale deed executed by Poonam Devi in favour of Kapildeo Sinha and others, defendant 1st party in Title Suit No. 409 of 2013. The suit is still pending but the complainant filed the present case only to put pressure on the petitioner.

Taking into consideration the facts that the complainant has already filed Title Suit No. 409 of 2013 for setting aside the sale deed executed by the petitioner in favour of defendant 1st set of the Title Suit and for the same acts the complainant filed the present complaint case in the year 2017, the petitioner, above named, in the event of her arrest/ surrender before the court below within a period of four weeks from the date of receipt/ production of a copy of this order is directed to be enlarged on bail on his furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Complaint case No. 331 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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