

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53917 of 2019

Arising Out of PS. Case No.-349 Year-2018 Thana- BIBHUTIPUR District- Samastipur

1. Lalita Devi, wife of Sukhdev Singh,
 2. Maheshwar Singh, son of late Ram Jatan Singh @ Ram Yatan Singh, both resident of village- Kerai, P.S.- Bibhutipur, District- Samastipur
- Petitioner/s

Versus

1. The State of Bihar
 2. Pramod Kumar, son of late Gena Lal Singh, resident of village- Kerai, Ward No.-05, P.S.- Bibhutipur, District- Samastipur
- Opposite Party/s
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Appearance :

For the Petitioner/s	:	Mrs. Rashmi Sharma, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2	:	Mr. Raja Ram Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 20-11-2019

Heard learned counsel for the petitioners; learned APP for the State and learned counsel for the opposite party no. 2-informant, who has *suo motu* appeared.

2. The petitioners apprehend arrest in connection with Bibhutipur P.S. Case No.349 of 2018 dated 22.12.2018 instituted under Sections 385, 387, 420, 467, 468 and 471 of the Indian Penal Code.

3. The petitioner no. 1 is accused of impersonating Laxmi Devi in getting the sale deed in question registered before the Sub-Registrar, Rosera, on 10.01.2018 and further of transferring the land of Khesra No.6787 in favour of the other



co-accused when admittedly, neither she nor even Laxmi Devi was the owner of Khesra No.6787.

4. Learned counsel for the petitioner submitted that she is a lady and most importantly, the opposite party no. 2 had no locus to file the First Information Report as Laxmi Devi has not raised objection that petitioner no. 1 had impersonated her while getting the sale deed executed. It was further submitted that the petitioner no.1 is wife of Sukhdev Singh in whose favour land was transferred and, thus, she is innocent being unaware of the intricacies. It was submitted that petitioner no. 2 is merely the person who has identified the petitioner no. 1 when she executed the sale deed in question.

5. Learned APP and learned counsel for the opposite party no. 2 submitted that the petitioners have committed the crime knowingly. It was submitted that the petitioner no.1 being Lalita Devi cannot take the plea that she was Laxmi Devi and impersonating herself to be the wife of Kuldeep Singh had made the transfer in favour of her husband, which indicates that she was in deep conspiracy. It was further submitted that petition no. 2 being aware of the fact that the petitioner no. 1 was not the actual lady, but still identified her before the Sub-Registrar, Rosera, which clearly proves his knowing and conscious



participation in the crime.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to allow the prayer for pre-arrest bail.

7. Accordingly, the application stands dismissed.

8. However, if the petitioner no. 1 surrenders before the Court below and seeks bail within four weeks from today, the same shall be considered on its own merit, in accordance with law, without being prejudiced by the present order, preferably on the same day.

9. Interim protection of no coercive steps against the petitioners given by order dated 28.08.2019, stands vacated.

(Ahsanuddin Amanullah, J)

J. Alam/-

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