

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15008 of 2021

Arising Out of PS. Case No.-49 Year-2020 Thana- DEEPNAGAR District- Nalanda

USHA DEVI, aged about 50 years, Female, W/o Late Pramod Singh, R/o village- Indrapur, Berauti, P.S.- Deepnagar, District- Nalanda.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Akhilesh Dutta Verma, Advocate.
For the State	:	Mr. Choubey Jawahar, A.P.P.
For the Informant	:	Mr. Pankaj Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 08-07-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending her arrest in a case for the offence registered under Sections 419 and 420 of the I.P.C.

The prosecution story, in brief, is that the informant Babita Devi had purchased a piece of land bearing Khata No. 62, Khesra No. 1645, Area 2.34 Decimal for consideration amount of Rs. 2,58,000/- from the petitioner in presence of her two sons, namely, Amit Kumar and Dilip Kumar on 28.01.2014 vide Sale Deed No. 80 and Sale Deed dated 25.04.2014 as they



claimed that the land falls under the share of the petitioner. After registration of the land in question, the husband of the informant told the petitioner to transfer the possession of land after measurement then petitioner and co-accused persons started dilly-delaying tactics and thereafter when the informant's husband went on the land then he learnt that fresh soil on the said land was lying there and later on got knowledge that the said land does not belong to Usha Devi (petitioner). The petitioner sold the land to the informant having ulterior motive and for unlawful advantage.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. She has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner is a lady. As per allegation, there was agreement for sale and subsequently sale deed was executed by the petitioner in favour of the informant but subsequently delivery of possession was not given by the petitioner to the informant. The matter relates to the civil dispute between the parties.

On behalf of the learned counsel for the State, it has been submitted that the petitioners are named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of the learned C.J.M, Nalanda at Biharsharif, in connection with Deepnagar P.S. Case No. 49/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only each with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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