

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23476 of 2021

Arising Out of PS. Case No.-880 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

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Mala Devi Wife of Raghunath Sah Resident of Village- Singhiyahi, P.S.-
Kalyanpur, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr. N. K. Agarwal, Sr. Advocate
		Ms. Preety Kunwar, Advocate
For the Opposite Party	:	Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-05-2021 Heard Mr. N. K. Agarwal, learned senior counsel for

the petitioner and Mr. Jitendra Kumar Singh, learned Additional

Public Prosecutor for the State via video conferencing.

The petitioner seeks pre-arrest bail in connection with

Ahiyapur P.S. Case No.880 of 2019 registered under Sections

406, 420, 384, 506/34 of the Indian Penal Code.

It is submitted by the learned senior counsel for the

petitioner that the instant case is predominantly civil in nature.

He contended that as a matter of fact, for the dispute raised in

the FIR, a title suit bearing Title Suit No.605 of 2019 has

already been filed by the informant against the husband of the

petitioner for specific performance of contract as also for



adjustment of Rs.10,00,000/- alleged to have been paid to the petitioner against the property in question. It is further contended that as a matter of fact, both the agreements upon which the informant are relying upon are forged and fabricated. Neither the petitioner nor her husband has executed any agreement for sale as alleged in the FIR nor they have received any amount from the informant as consideration money for the property in question. Lastly, it is contended that when the petitioner, her husband and other family members had gone to Deoghar, the informant forcibly entered into his house after breaking the locks of the house for which Ahiyapur P.S. Case No.879 of 2019 dated 27.07.2019 has been registered *inter alia* under Sections 420, 406 and 379 of the Indian Penal Code.

Mr. Jitendra Kumar Singh, learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He contended that it is a gross case of cheating and criminal breach of trust.

Be that as it may, since a title suit relating to property in question has already been filed between the parties and *prima facie*, the case appears to be a dispute of civil nature, the petitioner is directed to be released on bail, in the event of her arrest or surrender, on furnishing bail bond of Rs.10,000/-



(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No.880 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Since the court proceedings are being conducted through virtual mode, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me electronically by the Joint Registrar-cum-Addl. PPS.
- (ii) The corrected copy of the order shall be transmitted by me to the Joint Registrar-cum-Addl. PPS electronically, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Joint Registrar-cum-Addl. PPS/registry for up-loading of the present order



without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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