

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19050 of 2022

Arising Out of PS. Case No.-440 Year-2021 Thana- BRAHMPUR District- Buxar

1. INDU DEVI W/o Ramashray Ray Resident of Village - Barki Nanijore, P.s.- Nanijore, Distt.- Buxar.
2. Kapildev Tiwari @ Kapil Deo Tiwari Son of Late Rama Tiwari Resident of Village - Barki Nanijore, P.s.- Nanijore, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. CHANDRA PRASAD SINGH, APP

Mr. CHANDRA SEN PRASAD SINGH, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

3 05-09-2022 By order dated 01.06.2022, the prayer for anticipatory bail of petitioner no. 2 has already been dismissed as infructuous.

Heard learned counsel for the petitioner no. 1 and learned A.P.P. for the State.

Let the defect(s), if any, be removed within a period of four weeks.

The petitioner no. 1 apprehends her arrest in a case registered for the offences punishable under Sections 420, 120(B), 504 and 506/34 of the Indian Penal Code.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 is a person with clean antecedent and is a woman.

The informant alleges that his land was fraudulently sold by the petitioner no. 1 by claiming to be daughter of Dharamraj Tiwari when Dharamraj Tiwari who was his uncle had



died issueless. It is alleged that on the sale deed executed by this petitioner no. 1, the husband, brother-in-law and father-in-law of the petitioner no. 1 are witnesses and identifiers. It is alleged that when he inquired from the accused persons he was threatened that they will take possession of his land.

Learned counsel for the petitioner no. 1 submits that petitioner no. 1 has been falsely implicated in the present case and the informant has made a false allegation in the FIR alleging that Dharamraj Tiwari is own uncle died issueless when petitioner no. 1 is daughter of Dharamraj Tiwari. He further submits that a Title Suit No. 401 of 2018 is going on between Satya Narayan Tiwari and others Versus Kapildeo Tiwari and others which is a partition suit.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner no. 1 and submits that the informant in the FIR has very categorically alleged that Dharamraj Tiwari died issueless but from the pleading made in the anticipatory bail application it cannot be culled out with certainty that petitioner no. 1 is the daughter of Dharamraj Tiwari as a vague and cryptic statement to that effect has been made. Learned A.P.P. next submits that even the title suit about which reference has been made is also not clear that how the petitioner no. 1 is involved in the said partition suit because from perusal of para 8 of the



anticipatory bail application, it does not manifest that informant or petitioner no. 1 are part of that partition suit.

Considering the submissions made by the learned counsel for the petitioner no. 1, the petitioner no. 1 above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Brahmpur (Nanijore) P.S. Case No. 440 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

This order will lose its effect in the event if the charge-sheet is submitted against the petitioner after investigation.

(Satyavrat Verma, J)

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