

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41908 of 2021

Arising Out of PS. Case No.-12 Year-2021 Thana- PANDARAK District- Patna

Rita W/o Sunil Kumar Sharma @ Suneel Kumar Sharma Resident of Village -
Mamarkhabad English, Ward no.13, Purvi Pandarak, P.S.- Pandarak, Distt.-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Kumar, Advocate
For the Opposite Party/s : Mr. Parmeshwar Mehta, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 08-06-2022 Let the defects, if any, be removed within four weeks
from today.

Heard Mr. Suraj Kumar, learned counsel for the
petitioners as well as Mr. Parmeshwar Mehta, learned
Additional Public Prosecutor for the State.

The petitioner apprehends her arrest in connection
with Pandarak P.S. Case No. 12 of 2021 registered for the
offences punishable under Sections 406, 420, 120B of the Indian
Penal Code.

As per prosecution case, it is alleged that aunt of the
informant has sold a land in favour of the petitioner, which was
gifted in favour of the informant by his maternal grand- mother.,
through registered deed.



At the outset, learned counsel for the petitioners submits at the bar that as per his information till date the process under Sections 82/83 of the Cr.P.C have not been issued.

It is submitted by the learned counsel for the petitioner that from perusal of the FIR, the dispute appears to be civil in nature and the petitioner is bonafide purchaser of the land and the same has been purchased after giving adequate money to the vendor of the land and if any cheating has been done, the same has been done with the petitioner, as she has been deprived from the money as well as land.

On the other hand, learned APP for the State opposes the bail application of the petitioner, however, he fairly submits that present case is of a dispute of civil in nature.

Having considered the submissions made on behalf of the parties and taking into consideration the fact that, petitioner is a bonafide purchaser of the land and the dispute against them is of civil in nature and the petitioner is a lady having clean antecedent, let the petitioner above named, be released on bail, in the event of her arrest or surrender before the court below within eight weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate-I Barh in connection with Pandarak P.S. Case No. 12 of 2021 subject to the conditions as laid down under Section 438(2) of the code of Criminal Procedure with the following conditions:-

(i) One of the bailors should be the close relatives of the petitioners.

(ii) The petitioner will cooperate in the investigation as well as in conclusion of the trial.

(iii) she will not try to tamper with the evidence or intimidate the witnesses in course of investigation or during the course of trial.

(Harish Kumar, J.)

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