

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36045 of 2022

Arising Out of PS. Case No.-56 Year-2022 Thana- MUFFASIL District- Aurangabad

REKHA DEVI W/o Om Prakash Singh R/o village- Raypura, P.S.-
Aurangabad Muffasil, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

The petitioner apprehends her arrest in a case
registered for the offences punishable under Sections 420, 341,
323, 467, 468 and 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent.

The informant alleges that accused persons prepared a
forged and fabricated sale deed in favour of accused no. 6 to 10
in the FIR and mutation was done in their name and on that
basis they were claiming possession over the land in question.
Further, the sale deed was not registered from the Registry
Office rather was forged and based on such sale deed the land



was mutated in the name of Dasrath Singh who had died 15 years ago. It is further alleged that based on forged sale deed dated 04.07.2019 executed in favour of Babloo Singh mutation was also done. It is alleged that on inquiry, the informant came to know that her father had never sold the land. It is further alleged that a Title Suit No. 74 of 2020 is pending in the Court of learned Sub-Judge-I, Aurangabad in which there is an order restraining sale and purchase during the pendency of the title suit but still the land was sold.

Learned counsel for the petitioner submits that present FIR arises out of a complaint and from perusal of the same, it would manifest that the complainant does not allege anything specific against the petitioner, rather allegation against her is general and omnibus in nature. It is further submitted that Kamla Singh and Ambika Singh were own brother and Kamla Singh had three daughters, namely, Munni Devi (informant), Sunaina Devi and Baby Devi and Ambika Singh had one son Om Prakash, as such, Om Prakash and the informant are own cousin brothers and sisters. It is also submitted that it was Om Prakash who had executed the sale deed being a co-sharer in the property based on which the present complaint case came to be instituted, as such, the dispute primarily is civil in nature and a



title suit is already pending and if the order passed in the title suit has been breached then the informant has remedy of approaching the said Court but then filing of a criminal case is definitely an abuse of the process of the Court. It is further submitted that petitioner has been implicated because she is wife of Om Prakash.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that already a title suit is pending and if the informant is aggrieved by execution of the sale deed then she has remedy of approaching the Civil Court and at the same time can also file a contempt petition in the title suit alleging breach of the order passed in the title suit.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her 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 Aurangabad



Mufassil P.S. Case No. 56 of 2022, subject to the conditions as
laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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