

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44361 of 2022

Arising Out of PS. Case No.-484 Year-2016 Thana- KADAMKUAN District- Patna

LESHMA DUTTA Wife of Late Vijay Dutt R/o vill- M 8/16, 1st floor, DLF
City, Phase 2, Gurgaon, Sikanderpur, Ghosi (68), Gurgaon, Haryana 122002
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ranjan Kumar Srivastava, Advocate
For the Opposite Party/s :	Mr. Akhileshwar Dayal, A.P.P.
For the Informant :	Mr. Sanjiv Sharan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 20-12-2022 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 406 and 420/34 of the
Indian Penal Code.

Learned counsel for the petitioner submits that petitioner
is a person with clean antecedent and is a woman, aged about 74
years.

The informant alleges that he was intending to purchase a
property and accordingly met one Randhir Sinha who made him meet
the petitioner and also disclosed that petitioner has a property in
Rajendra Nagar. It is further alleged that the area of the land was
8760.63 Sq. Ft. on which a house was constructed and the property



was in the name of six persons as detailed in the FIR i.e. the property was a joint property. It is further alleged that petitioner made the informant to meet her five co-sharers. Further, it is alleged that Randhir Sinha had asked for Rs.65,00,000/- for getting the house vacated thereafter the price of the property was agreed as Rs.2,05,00,000/- (rupees two crores five lakhs) thereafter an agreement for sale was entered in between the petitioner and the informant and the informant paid merely Rs.10,00,000/- each to all the co-sharers by draft. It is further alleged that despite entering into the agreement for sale the sale deed till date has not been executed.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case and she is a senior citizen, aged about 74 years and stays at Gurgaon, Haryana. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that the informant has already approached the learned Civil Court, Patna by filing a Title Suit No. 5420 of 2014 for seeking a direction upon the petitioner for executing the sale deed with respect to the property in question as detailed in the agreement for sale. Learned counsel, thus, submits that when the informant is already pursuing his remedy then instituting the present FIR is nothing but an abuse of the process of the Court. It is also submitted that in the event, if the informant does not succeed before the learned trial court then the entire allegation would automatically become false and in the event if he will succeed sale



deed would be executed.

Learned A.P.P. for the State and the learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that Title Suit No. 5420 of 2014 has been instituted by the informant seeking the aforesaid relief.

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.5,000/- (Rupees Five 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 Kadam Kuan P.S. Case No. 484 of 2016, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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