

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55518 of 2021**

Arising Out of PS. Case No.-506 Year-2019 Thana- COMPLAINT CASE District- Araria

ASHA DEVI WIFE OF LAKSHMI PRASAD SAH R/O VILLAGE- WARD
NO. 10, MADARGHAT, KASBA, P.S.- KASBA, DISTRICT- PURNEA

... .. Petitioner/s

Versus

1. The State of Bihar
2. NEELAM DEVI W/O SANJAY SAH R/O VILLAGE- PARBHA, WARD
NO. 13, P.S.- FORBISGANJ, DISTRICT- ARARIA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Krishna Mishra, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 05-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a lady having clean antecedent and the complainant alleges that she along with her husband stays in Delhi, Om Prakash Sah (accused) her sister-in-law's husband and Md. Riyasat and Md. Ansar were known to her from before and all the three deal in buying and selling of land, it is next alleged that when the complainant came to her home in holi, the three accused persons showed her husband a piece of land which they



were interested in purchasing and the accused persons informed her that the land belong to one Asha Devi (petitioner) who is daughter of the landowner. Further it is alleged that on 20.07.2018, the land was registered and an amount of Rs. 10,15,000/- in presence of all the accused and the petitioner was handed over to Md. Riyasat, it is next alleged that when the complainant received a notice from the Office of the D.C.L.R. then she rushed back home and showed the documents to lawyers and she came to know that the land does not belong to the petitioner and the accused persons had dishonestly introduced her to the complainant, further a *Panchayati* was convened in which the accused persons, including the petitioner, had agreed to give her back an amount of Rs. 15 lacs but even after a month when the amount was not given, the present case was instituted.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case, it is next submitted that the petitioner herself has been cheated by the three accused persons named in the F.I.R. it is also submitted that petitioner is a landed lady and has nearly 124 acres of land. Learned counsel submits that petitioner was convinced by the named accused persons that the land belongs to her on account of which she executed the sale deed. It is further submitted by the learned counsel for the petitioner that though



the deal was for an amount of Rs. 10,15,000/- but the said amount was given to Md. Riyasat who in turn only gave Rs. Two lacs to the petitioner and hence the petitioner was also cheated.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that admittedly the land does not belong to the petitioner or else the complainant would not have received a notice in this regard, it is next submitted that it absolutely does not stand to reason that when petitioner herself claims that she was cheated by the accused persons then why no case of cheating was instituted by her against them, this amply demonstrates that the petitioner in collusion with the accused persons fraudulently made the transaction and cheated the complainant of her hard earned money.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioner.

Her prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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