

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64405 of 2021

Arising Out of PS. Case No.-270 Year-2017 Thana- BARH District- Patna

Savitri Devi W/o Sri Sukhdeo Prasad Resident of Village - Chakjalal, P.S.-
Bhador, Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar
2. Kanchan Devi W/o Late Kunj Bihari Nirala Resident of Village - Chakjalal,
P.S.- Bhador, Distt.- Patna.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.
For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 05-07-2022 This application has been listed under the heading
“For Orders”.

Registry has pointed out several defects in the present
application.

Mr. Amit Kumar Anand, learned counsel for the
petitioner submitted that the defects are mainly because only
e-filing of the applications are permitted by the Court. He
submitted that the defects can be removed only after filing of
hard copy is permitted. He undertook that even if the
applications are heard and disposed of on merit, in due course of
time, when the Court would permit filing of hard copy, the
defects pointed out by the registry would be removed.

In view of the submissions made by the learned
counsel for the petitioner, with consent of the parties, the
application has been taken up for hearing on merit.



The petitioner seeks pre-arrest bail in connection with Barh P.S. Case No. 270 of 2017 registered for the offences punishable under Sections 420, 406 read with 34 and 120B of the Indian Penal Code.

As per the prosecution case, the informant has alleged that plot no. 665 admeasuring 63 decimal and plot no. 648 admeasuring 39 decimal land was purchased bearing volume no. 1277 of the year 1997 by her father-in-law Dr. Suresh Prasad, who died on 27.05.2006 and his son, namely, Kunj Bihari Nirala also died on 07.11.2008. The brother of the father-in-law, namely, Anjani Kumar @ Binod Kumar executed a sale deed of the aforesaid land to the petitioner on 17.05.2017.

Mr. Amit Kumar Anand, learned counsel for the petitioner submitted that the institution of the present FIR as against the petitioner is nothing but an abuse of the process of the Court. The dispute of the informant of the case against the vendor is purely of civil nature. So far as the petitioner is concerned, she is purchaser of the land. Against her none of the ingredients of Sections 406 and 420 of the Indian Penal Code would be attracted. In support of his submission, he has also placed his reliance on the judgment of the Hon'ble Supreme Court in **Murari Lal Gupta v. Gopi Singh** since reported in



(2005) 13 SCC 699 and Mohammed Ibrahim and Others v. State of Bihar and Another since reported in **(2009) 8 SCC 751.**

On the other hand, Md. Aslam Ansari, learned counsel for the State submitted that the petitioner has connived together with the vendor of the land who was having no right over the property which was sold in favour of the petitioner.

Be that as it may, considering the nature of allegation, the submissions advanced on behalf of the petitioner and the judgments of the Hon'ble Supreme Court on which reliance has been placed, I am inclined to grant pre-arrest bail. She is directed to be released on bail, in the event of her arrest or surrender before the court below, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, Barh, Patna in connection with Barh P.S. Case No. 270 of 2017, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Ashwani Kumar Singh, J)

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