

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12039 of 2022

Arising Out of PS. Case No.-162 Year-2021 Thana- KARAKAT District- Rohtas

=====

REENA KUMARI WIFE OF LATE ARVIND KUMAR TIWARI R/O
VILLAGE- GORARI, P.S.- KARAKAT, DISTRICT- ROHTAS AT
SASARAM

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Awnish Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

9 26-04-2023 Heard learned counsel for the petitioner, learned A.P.P. for
the State and learned counsel for the informant.

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

In compliance of the order dated 11.10.2022, the
petitioner and the informant are physically present in the Court along
with their respective counsels.

Learned counsel for the petitioner submits that petitioner's
husband was working with the S.B.I. Bank, it is next submitted that
her husband died in February 2020 and being legally wedded wife
she was entitled to the death-cum-retiral benefits of her husband from
the bank but on account of objection by the family members of her
husband, the petitioner is not getting any family pension nor has



received any post death-cum-retiral benefits, it is next submitted that the petitioner is also working as Panchayat Teacher and has two children to fend for.

Learned counsel for the petitioner next submits that the petitioner admits that she has executed sale deed by disclosing that informant is dead when she was alive. It is next submitted that the petitioner took the extreme step as she had two children to fend for and the family members of the petitioners were objecting to the post retiral death benefits of her husband, as such, she had no option but to sell the land of her husband.

Learned counsel next submits that, no doubt, the property is joint, the mother-in-law is alive but then in the property, the petitioner also has a share being legally wedded wife of the son of the informant. It is further submitted that since the petitioner was facing extreme financial hardship, as such, she took the extreme step, it is also submitted that, no doubt, the petitioner has committed an illegality but then the conditions were such that she had no option but to sell the property so that she could give good upbringing to her children.

Learned counsel next submits that the case of the petitioner be considered sympathetically for the reason that now she is a widow, the family members of her husband are objecting to her legal dues after the death of her husband, at the same time she has two children to fend for and the petitioner accepts her mistake and



undertakes before this Court that in future she will not sell any ancestral land of the family of her husband, it is also submitted, at the cost of repetition, that the land sold by the petitioner was falling in the share of her husband and thus she sold the land but since it was being objected by the informant, as such, she had to take the extreme step.

Learned counsel for the informant vehemently opposes the submission made by the learned counsel for the petitioner and submits that no kind of hardship can give rise to an illegality which has been committed by the petitioner, knowing it fully well that her mother-in-law was alive but still she sold the ancestral land of her husband by recording in the sale deed that the informant (mother-in-law) is dead. It is next submitted that apart from the ancestral land which the petitioner sold, she also sold the land which was in name of the informant and her husband. Learned counsel next submits that even in the sale deed, the petitioner has not recorded that she is working, rather, has portrayed as if she is a housewife.

Learned counsel for the petitioner, at this stage, submits that already it has been submitted as recorded herein above that the petitioner, no doubt, committed a mistake bordering on illegality but then the conditions were such that she had no option but to do the same for upbringing her two minor children.

The Court, after hearing the learned counsel for the parties, considers it fit to give a sympathetic consideration to the case



of the petitioner as anticipatory bail is merely in nature of an interim relief subject to the final outcome of the case in the trial.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court 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 trial court where the case is pending/successor court in connection with Karakat P.S. Case No. 162 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

harshpandey/-

U			
---	--	--	--

