

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15784 of 2023

Arising Out of PS. Case No.-861 Year-2021 Thana- ROHTAS COMPLAINT CASE District-
Rohtas

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BHAGMANO DEVI W/O Uday Shankar Ram R/O Village- Malvar, P.O and
P.S- Sheosagar, District- Rohtas, at present Sarpanch of Gram Kutchery,
Karup, Sheosagar (Rohtas)

... .. Petitioner/s

Versus

1. The State of Bihar
2. HARI SINHA @ HARI SINGH S/O Late Lalji Sinha R/O Village- Manvar,
P.S- Sheosagar, District- Rohtas

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bikramdeo Singh, Adv.
For the Opposite Party/s	:	Mr.Dilip Kumar No.1, APP. Mr. Krishna Prasad Singh, Sr. Adv. Mr. Mithilesh Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-08-2023 Heard the parties.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Section 406 of the Indian Penal Code.

3. The prosecution case, in brief, is that, on 30.10.2019, the wife of the complainant, namely, Late Kamala Sinha in her life time executed a deed of Will in favour of the complainant of her private property 14 Acres 89 decimal of Mauza Malwar. The complainant has three sons and three daughters. The wife of one of the complainant's sons Late Tej Pratap Aghori is alive. Two sons of the complainant, namely, Prashant Singh and Path



Kumar Singh are said to have prepared a forged genealogical table with the help of this petitioner Bhagmano Devi, who is Sarpanch of village Karup in which only two sons of the complainant has been mentioned.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. Petitioner is a lady. No such occurrence as alleged ever took place. She has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. This case has been lodged due to land dispute between father and his sons. The real fact is that the sons of the complainant given an application before the Gram Katchery for preparing a genealogical table to the Sarpanch for taking electric line. After query by the Gram Katchery with assurance of the sons of the complainant, namely, Prashant Kumar Singh and Path Kumar Singh, a G.T. was issued in good faith. There is no any collusion and intimacy of this petitioner with the accused persons. It is further submitted that the alleged mutation has been cancelled by the concerned authority and thereafter, the appeal is pending. Petitioner has no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State as well as learned senior counsel for the complainant oppose the prayer for bail and submit that the petitioner had wrongly prepared genealogical table due to which the co-accused grabbed the land of the complainant, hence the allegation levelled against the petitioner is serious.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty 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 Complaint Case No. 861 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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