

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37807 of 2023

Arising Out of PS. Case No.-80 Year-2021 Thana- ARA NAGAR District- Bhojpur

Zakiya Bano, Wife of Md Akbar Ali, R/o Villlage- Bal Batra, Police Station-
Ara Town, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Ganesh Prasad Singh, learned counsel for
the petitioner and learned APP for the State.

2. The petitioner, who happens to be daughter-in-law of the informant is apprehending her arrest in connection with Ara Town P.S. Case No. 80 of 2021 registered for the offences punishable under Sections 420, 467, 468 and 406/34 of the Indian Penal Code.

3. Allegedly one of the sons of the informant, namely, Akbar Ali, his brother in-law and his wife and other accused persons with intention to cheat the informant asked her to execute a Will of her properties in favour of her son with an assurance that the properties will remain yours for your whole life but the accused persons by coercing the informant got executed the power of attorney and, on the basis thereof, they



sold some of the properties by affixing her photograph and her forged signature.

4. Learned counsel for the petitioner submits that from the narration of the FIR, it is evident that no specific allegation has been levelled against the petitioner, apart from the fact that the power of attorney has been executed in favour of one of the sons of the informant Md. Akbar Ali and she being the wife of the son of the informant, her name has been implicated in this case only in order to pressurize. He further submits that even as per the allegation, the date of occurrence is said to be 21.05.2019 but the FIR has been registered on 27.01.2021 after a delay of one year and eight months. He next submits that earlier a title suit bearing Title Suit No. 79 of 2020 has also been filed by the informant against her son wherein the summons have been issued. He also submits that the other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail by the learned Co-ordinate Bench of this Court in Cr. Misc. No.24149 of 2022 vide order dated 13.10.2022 (Annexure-3).

5. On the other hand, learned counsel for the State while opposing the bail application submits that the entire allegation revolves around the husband of the petitioner and, as



such, the complicity of the petitioner cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the Title Suit is pending between the parties, coupled with the fact of delay in lodging the FIR and the petitioner is a lady having fair antecedent, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara Town P.S. Case No. 80 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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