

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42854 of 2023

Arising Out of PS. Case No.-15 Year-2015 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Lalita Devi @ Lalita Sharma W/O Late Nageshwar Sharma @ Nageshwar
Presad Sharma R/O Ward No. 24, Sarswati Nagar Ring Bandh, Sitamarhi, P.O
and P.S and Distt.- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subodh Rai S/O Late Ram Pratap Rai R/O Village- Banauli, P.S- Sursand,
Distt.- Sitamarhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 11-08-2023 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection
with CI-15/2015 (Complaint Case NO. 15 of 2015) registered for
the offences punishable under Sections 323, 420 and 504 of the
Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner has antecedent of one case and the complainant alleges
that petitioner is his sister and her husband has landed property,
accordingly on 22.04.2008, the complainant approached the
petitioner and her husband to purchase the land as detailed in the
FIR for which an agreement for sale was entered and an amount
of Rs. 11,39,000/- was paid but the sale deed was not executed



for which a *panchayati* was held on 12.01.2015 but without any result, thereafter it is alleged that his sister's husband abused him and thus alleges that he was cheated.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from perusal of the allegations as alleged in the FIR it would manifest that the dispute is civil to which a criminal colour has been given, it is further submitted that if what has been alleged in the complaint is true then the remedy of the complainant lies elsewhere, it is also submitted that in the complaint it has been alleged that an agreement for sale was entered and if the terms and conditions of the sale of agreement stands breached, in that event, the complainant can move a court of competent civil jurisdiction for getting the sale deed executed in terms of the agreement for sale. The learned counsel further submits that the present complaint has been filed only with a view to coerce the petitioner into submission so that she parts with the money, it is further submitted that the present complaint has been filed only for the reason that no agreement for sale was entered in between the complainant, petitioner and her husband, it is next submitted that earlier wife of the present complainant had instituted Complaint Case No. 280 of 2013 which stood rejected *vide* order dated 19.11.2014 passed by the learned



Judicial Magistrate, First Class, Pupri against which a criminal revision was preferred which also stood dismissed, it was only thereafter that the present complaint case came to be instituted.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. The Court is cautious of the fact that the present case arises out of a complaint but then notices are not being issued on the complainant only for the reason that the dispute is purely civil to which a criminal color has been given.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of her arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with CI-15/2015 (Complaint Case N0. 15 of 2015) subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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