

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45475 of 2023

Arising Out of PS. Case No.-349 Year-2022 Thana- DIGHWARA District- Saran

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JYOTI PRABHA @ NIRMALA DEVI W/O SRI MEGHNATH SINGH R/O
Village- Basti Jalal, P.S- Dighwara, Distt.- Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhishek Kumar Srivastava
For the Opposite Party/s	:	Mr. Murli Dhar
	:	Ms. Madhubala verma

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-08-2023 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471, 504 and 506/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner in a criminal conspiracy with other co-accused persons prepared a fake and fraudulent document of a land in the name of one dead person and later on made settlement in their favour by wrong affidavit and petitioner to C.O.

4. It is submitted by learned counsel for the petitioner the petitioner is innocent and has been falsely implicated in this



case. Petitioner has got the land in question through the registered gift deed in the year, 1989 from the Bhagwan Prasad Singh who was her father in law. The C.O. Dighwara passed an order in Mutation Case No. 387/1998-99 with respect of 13 Bigha, 15 Kattha and 15.5 dhur of land. The informant filed an appeal against the order of C.O., Dighwara of mutation before the Appellate Court D.C.L.R. in Sonpur Mutation Case No. 06/2020 in which by the order dated 10.07.1999, the order of C.O. Dighwara was set aside. Thereafter, the petitioner filed a Revision Case No.64/2001 before the District Collector, Saran which was dismissed and affirmed the order of the Appellate Court on 09.01.2017. Thus, the petitioner prefer C.W.J.C. No. 938/2019 before this Hon'ble High Court for challenging the order, the Hon'ble Court had set aside both the orders and also observed that the revisional order was non-speaking and cryptic and directed the C.O., Dighwara to decide the Mutation with regard to land in question afresh. The C.O., Dighwara is under pressure and police influence of the informant of this case and others and due to which he is hell bent upon harassing the petitioner and his family members. The application was presented online by the petitioner through Cyber Cafe on 18.06.2021 which was registered as Dakhil Kharij Case No. 221



R 27/2021-22 wherein, mistakenly, the computer operator noted application in the name of one Brahmdeo Singh, however, he also described name of this petitioner and finally the mutation was allowed in the Jyoti Prabha Devi @ Nirmala Devi. The informant of the case filed Dakhil Kharij Appeal Case No. 27/2021-22 challenging the order so passed in Dakhil Kharij Case no. 221 R 27/2020-21 before the Court of DCLR, Sonpur, Saran at Chhapra which was decided on 25.02.2022, wherein the learned Court of DCLR refused to entertain the appeal and rejected the same. There is civil dispute between the parties. Petitioner has got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State along with learned counsel for the informant opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances and the fact that there is civil dispute between the parties, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in



connection with Dighwara P.S. Case No.349/2022, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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