

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51537 of 2023

Arising Out of PS. Case No.-617 Year-2022 Thana- BETTIAH CITY District- West
Champaran

Binda Devi, Wife Of Late Kailash Sharma, Resident Of Village - Baswariya
Piuni Bagh, Near-Singh Lauj, Ward No. 32, Bettiah Town, District - West
Champaran.

... .. Petitioner

Versus

1. The State of Bihar.
2. Meraj Aalam, Son Of Mob Arak Hussain, Resident Of Baswariya
Ghusukpura, Ward No. 31, P.S. - Bettiah, District - West Champaran.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Rajesh Kumar, Advocate
For the State	:	Mr. Sanjay Kumar Sharma, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

6 13-12-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any,
within a period of three weeks from today.

2. Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending her arrest in
connection with Bettiah Nagar P.S. Case No. 617 of 2022
dated 03.07.2023 registered for the offences punishable
under Sections 420 and 406 of the I.P.C.

4. As per the prosecution case, an agreement for
sale of a piece of land was made between the opposite party



no. 2 and the petitioner and his son Sunil Kumar on a consideration money of Rs. 6,00,000/- and for which Rs. 4,50,000/- was paid by the informant to the petitioner as an earnest money but the petitioner did not execute the sale deed in favour of the informant rather she executed the sale deed for the said land to other person Md. Salam. When the opposite party no. 2 demanded Rs. 4,50,000/- from the petitioner, he was abused and gave threatening to kill him to implicate in a false case.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that neither the petitioner has taken any money from the informant nor executed any Mahadanama in favour of the informant. The petitioner is separate from the co-accused Sunil Kumar who is the son of the petitioner. The other co-accused Sunil Kumar has already been granted bail by the learned court below itself. The petitioner is an old lady. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the



prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Bettiah, West Champaran, in connection with Bettiah Nagar P.S. Case No. 617 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

U.K./-

U		T	
---	--	---	--

