

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57347 of 2022

Arising Out of PS. Case No.-175 Year-2022 Thana- LAHERIMUHALLA District- Nalanda

Fatma @ Fatima Hassan, Wife Of Mohmad Iftekhhar Hassan R/O Mohalla-
Katra Balakhi, P.S.- Laheri, Town- Biharsharif, District- Nalanda

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Madan Kumar
For the Opposite Party/s :	Mr. Uday Pratap Singh
	Mr. Anil Kumar Singh
	Mr. Gaurav Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

10 03-07-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in anticipation of her arrest
in a case registered for the offences punishable under Sections
406, 420, 120B/ 34 of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and is a woman and
the dispute in the present case arises from an agreement for sale
entered in between the husband of the petitioner and the
informant. It is further submitted that the husband of the
petitioner was instrumental in getting the deed concretized and
petitioner, being a lady, was made to sign the agreement for sale.
It is next submitted that no doubt, certain amount have been



paid by the informant in the account of her husband in lieu whereof the original documents of the land was handed over to the informant. It is next submitted that since the agreement is not being acted upon, as such, the husband of the petitioner is willing to return the admitted dues, which were transferred in his account provided the original documents of the land is handed over by the informant, so that the land can be sold and the amount received is credited in the account of the informant.

The learned counsel for the informant submits that original document of the land is with the informant. It is further submitted that when the informant got the same examined in the Registry Office, he came to know that the land for which agreement for sale was entered was already sold by the petitioner and her family members. It is thus submitted that the agreement for sale was entered only with an intention to cheat the informant. It is further submitted that the informant has paid an amount of Rs.24 Lakhs by cheque and an amount of Rs.31,80,000/- by cash for which he has receiving of the husband of the petitioner. It is also submitted that after paying an amount of Rs.55,80,000/-, the informant has been cheated.

The learned counsel for the petitioner rebuts the submission of the learned counsel for the informant and submits



that the only allegation against this petitioner is that she was a witness on the agreement and also that the land in question for which the agreement for sale was entered in between the informant and the husband of the petitioner was already sold by the family members. It is further submitted that petitioner is not at all involved in selling any of the ancestral land of her husband. It is further submitted that the husband of the petitioner is in judicial custody. The learned counsel further submits that if what has been alleged by the informant is true, then the informant ought to have moved before an appropriate forum instead of instituting an F.I.R. with a view to coerce the petitioner into submission for parting with the amount which she denies to have received.

Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on her furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Nalanda at Biharsharif in connection with Laheri P. S. Case No.175 of



2022, subject to the conditions laid down under Section 438(2)
of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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