

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59181 of 2022

Arising Out of PS. Case No.-302 Year-2022 Thana- TURKAULIYA District- East
Champaran

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Hiramati Devi @ Hiramoti Devi Wife of Late Ramsurat Singh R/V-
Turkauliya Naya Tola, P.S- Turkauliya, Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate.
For the Opposite Party/s : Mr. Umesh Lal Verma, APP.

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

ORAL ORDER

3 01-02-2023 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.

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in connection

with Turkauliya P. S. Case No. 302 of 2022 registered for the

offences punishable under Sections 406 and 120B of the Indian

Penal Code.

As per the prosecution case, the petitioner prepared a

sale deed for purchase of 3 Khatha and 3 dhurs of land in

presence of co-accused Vikash Kumar and Awadh kishore

Singh. For that purpose the informant paid Rs. 4,70,000/- to co-



accused Awadh Kishore Singh. All the accused persons including the petitioner fixed a date for doing registry of the said land. On that date, all the accused persons including the petitioner came to the Motihari Registry Office and the petitioner put her thumb impression on the document and Vikash Kumar put his thumb impression as a witness but at the time of registry all the accused persons including the petitioner fled away from there and due to which his registry could not be done. When the informant asked to return his money, they refused to do so.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No such occurrence as alleged has ever been taken place. In fact, the entire incident is a fabricated one. From the F.I.R. it is evident that the alleged occurrence had taken place on 17.07.2021 and the present F.I.R. was lodged on 02.04.2022 and in this regard, no plausible explanation has been given for such an inordinate delay. Learned counsel further submitted that no case is made out against the petitioner as she had not taken money from the informant. The petitioner, who is a lady, has one more criminal antecedent as stated in para 3 of the bail petition. Learned Counsel for the petitioner placed reliance on the judgement in the



case of **Bimla Tiwari Vs. State of Bihar and Ors. (Special Leave Petitioner (CRL.) Nos. 834-835 of 2023)** at para 10, the Hon'ble Apex Court has held that "we would reiterate that the process of criminal law cannot be utilized for arm-twisting and money recovery, particularly while opposing the prayer for bail".

Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

Considering the aforesaid facts and circumstances, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Motihari (East Champaran) in connection with Turkauliya P. S. Case No. 302 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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