

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59392 of 2022

Arising Out of PS. Case No.-255 Year-2022 Thana- KHIJARSARAI District- Gaya

Mamta Kumari Wife Of Upendra Kumar @ Upendra Yadav, D/O Ramashish Yadav R/O Village- Lodipur, Present R/O Dhura Par, P.O. And P.S.- Khizersarai, District- Gaya.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindhaychal Singh, Sr. Advocate
Mr. Umesh Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-01-2023 Heard the learned senior counsel for the petitioner and the learned APP for the State.

The petitioner seeks regular bail in connection with Khizersarai P.S. Case No.255 of 2022, registered for the offence punishable under Section 420 of the Indian Penal Code.

The case of prosecution in brief according to the informant, who is the Circle Officer, Khizersarai, Gaya, is that upon a complain made by one Rakesh Choudhary, investigation was held and it was found that mutation of the land in question has actually not been carried out in favour of the petitioner and the document in



question is a forged document.

The learned senior counsel for the petitioner has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 25.08.2022. The learned senior counsel for the petitioner has further submitted that the dispute in question is in the nature of a civil dispute, hence, criminal prosecution would not be attracted qua the petitioner herein and moreover, there is no evidence to the effect that the mutation was fraudulently carried out by the petitioner herein.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

I have heard learned counsel for the parties and gone through the material on record and I find that prima facie, the allegation levelled against the petitioner is in the nature of a civil dispute, apart from the fact that the petitioner is



having a clean antecedent and is languishing in custody since 25.08.2022, and moreover, it is yet to be proved that the petitioner had fabricated forged mutation papers, hence, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-IV, Gaya in connection with Khizersarai P.S. Case No.255 of 2022.

(Mohit Kumar Shah, J)

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