

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9110 of 2024

Arising Out of PS. Case No.-2 Year-2016 Thana- CIVIL LINE District- Gaya

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MADHURI DEVI WIFE OF AKHILESH SHARMA RESIDENT OF
VILLAGE - SANDA, POLICE STATION - TEKARI, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate

For the Opposite Party/s : Dr. Ajeet Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 2 22-02-2024 1. Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.
2. The accused/petitioner is named in the F.I.R. and apprehending her arrest in connection with Civil Lines P.S. Case No. 02 of 2016 registered for the offences punishable under Sections 467, 468, 471, 420 and 34 of the Indian Penal Code.
3. The allegation against the petitioner is to purchase the land belonging to elder brother of informant, where elder brother of informant was impersonated by some unknown person as to execute sale deed of his elder brother, who otherwise authorised him only by General Power Of Attorney, to execute sale deed.
4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is a *bonafide* purchaser of the land in issue through registered sale deed, where full consideration amount was paid by petitioner. It is submitted that elder brother of informant namely Gulam Mohiuddin, never came forward to challenge the sale deed in issue and as such there is no occasion to challenge the registered sale deed by a person holding General Power Of Attorney. It is also pointed out that General Power Of Attorney in issue was created in favour of informant by his elder brother in year 2015 only, whereas sale deed through, which petitioner purchased land is of year 2013 and as such informant claiming holder of General Power Of Attorney cannot questioned sale deed. While concluding the argument it is submitted that similarly situated co-accused persons have already granted anticipatory bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 58913 of 2023 vide order dated 20.09.2023.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances as mentioned above and by taking note of the fact as instrument (GPA) through which informant instituted present criminal proceeding is of year 2015, whereas sale deed in issue is of the



year 2013, where petitioner is a lady of clean antecedent, accordingly the petitioner above named, in the event of her arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate First Class, Gaya/concerned Court below where the case is pending in connection with Civil Lines P.S. Case No. 02 of 2016 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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