

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23206 of 2024

Arising Out of PS. Case No.-916 Year-2021 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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SITA DEVI W/O MAHENDRA SHARMA @ MAHENDRA ARYA
RESIDENT OF VILLAGE- DHURGAWN, POLICE STATION-
EKANGARSARAI, DISTRICT- NALANDA. PRESENTLY RESIDING AT
MOHALLA- SANJAY NAGAR, ARYA HEMO CLINIC, POLICE
STATION- KANKARBAGH, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. USHA DEVI @ MALTI DEVI W/O BRIDHICHANDRA R/O VILLAGE-
LANGHAURA, P.S- HARNAUT, DISTT.- NALANDA. AT PRESENT
MOHALLA- NARSALIGANJ NAISARAI, P.S- BIHAR, DISTT.-
NALANDA.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilendu Kumar Choudhary
For the Opposite Party/s : Mr. Mohammed Arif

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-03-2024 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 419, 420,
465, 467, 468, 471, 120(B), 504 and 506 of the Indian Penal
Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is a woman and
has been falsely implicated in the instant case by the
complainant with an allegation that the petitioner had purchased



her land from one Lalmuni Devi, who registered the land in question in the name of the petitioner by impersonating the complainant. It is further submitted that petitioner had purchased the land in the year 2013 and the instant complaint case came to be instituted in the year 2021. It is next submitted that the name of the seller as recorded in the sale deed is Malti Devi, who is none other than the complainant but then the complainant is alleging that the land was not sold by her but by one Lalmuni Devi, who impersonated her and the petitioner was aware of the impersonation still she purchased. It is next submitted that petitioner purchased the land from the complainant and not from Lalmuni Devi. It is further submitted that no prudent person knowingly would purchase a property which does not belong to that person. It is also submitted that it absolutely does not stand to reason that why it took seven years for the complainant to institute the instant complaint case. It is further submitted that the complainant ought to have approached a court of competent jurisdiction for getting the sale deed cancelled so that the petitioner could have got an opportunity to rebut her claim but then the complainant intends to recover the land through criminal proceeding.

4. Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioner.

5. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Complaint Case No. 916C of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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