

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30814 of 2024

Arising Out of PS. Case No.-232 Year-2021 Thana- AURANGABAD COMPLAINT CASE
District- Aurangabad

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Sandhya Devi, Wife Of Anand Kumar Singh, Resident Of Village -
Shekhpura, P.S. - Aurangabad Muffasil, District - Aurangabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Mukul Kumari
For the Opposite Party/s : Mr.Rabindra Kumar- A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 14-05-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of her
arrest in a case registered for the offences punishable under
Sections 120(B), 341, 420, 504 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is a woman
and has been falsely implicated in the instant case by the
complainant. It is further submitted that in sum and substance,
the complainant alleges that she agreed to purchase the land (as
detailed in the complaint) for a consideration of Rs.12 Lacs, out
of which Rs.10 Lacs were paid on 05.12.2014 by the husband of
the complainant to the petitioner and thereafter, on a non-



judicial stamp paper, an agreement to sell was entered. Thereafter, the husband of the complainant died on 16.11.2017 and when complainant asked the petitioner to accept the remaining amount of consideration and to execute the sale deed, the petitioner refused. Thereafter, the complainant along with her daughter and son in-law went to the house of the petitioner for requesting her to execute the sale deed, however, the sale deed was not executed and the complainant was abused verbally.

4. The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the dispute is purely civil to which a criminal colour has been given. It is also submitted that the complaint case came to be instituted in the Year 2021, when the agreement of the Year 2014 is said to have been breached by the petitioner. It is further submitted that complaint case was dismissed on the ground that the dispute is purely civil, but the complainant filed a revision application before the learned District Judge and the order dismissing the complaint was set aside and the matter was remanded back based on which, cognizance came to be taken. It is also submitted that though in the complaint, it is alleged that an amount of Rs.10 Lacs was given to the petitioner by the



husband of the complaint out of the consideration amount of Rs.12 Lacs, but then, the mode of payment is not recorded in the agreement. It is also submitted that if the petitioner has breached the agreement, then the complainant ought to have moved before a Court of competent civil jurisdiction for a direction upon the petitioner to execute the sale deed with respect to the land in question, but instead of resorting to the remedies available in law, the instant criminal case came to be instituted in order to coerce the petitioner into submission. It is also submitted that had a case before the Court of competent jurisdiction would have been filed by the complainant, in that event, the petitioner would have appeared and would have either accepted or rebutted the claim of the complainant.

5. Learned A.P.P. Sri Rabindra Kumar opposes the bail application.

6. 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 Ms. Nidhi Jaiswal, the learned J.M., 1st Class,



Aurangabad in connection with Complaint Case No.232 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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