

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11247 of 2024

Arising Out of PS. Case No.-474 Year-2013 Thana- MOTIHARI TOWN District- East
Champaran

Rani Priyanaka W/O Hardan Prasad R/O Pani Tanki, Jagdispur, Baliya City,
Dist - Baliya, Uttar Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 38276 of 2024

Arising Out of PS. Case No.-474 Year-2013 Thana- MOTIHARI TOWN District- East
Champaran

1. Krishna Kumar @ Shri Krishn Kumar S/o -Late Amranath Prasad R/O -
Ward No 5, Mohalla Teliyapatti, P.S Motihari Town, Dist - East champaran,
Bihar
2. Gopi Krishna Kumar Late Amarnath Prasad Mohalla Teliya Pattai PS
Motihari Town

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 11247 of 2024)
For the Petitioner/s : Mr. Vikash Pankaj, Adv.
For the Opposite Party/s : Mr. Anil Prasad Singh, APP
(In CRIMINAL MISCELLANEOUS No. 38276 of 2024)
For the Petitioner/s : Mr. Vikash Kumar Pankaj, Adv.
For the Opposite Party/s : Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5 18-09-2024 **CRIMINAL MISCELLANEOUS No. 11247 of 2024**

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in connection with



Town P.S. Case No. 474 of 2013 registered under Sections 147, 148, 149, 420, 467, 468, 471 and 120-B of the Indian Penal Code.

3. As per prosecution case, it is alleged that a Partition Suit No. 194/82 is pending before Sub-Judge-I and order of status quo is maintained since 10.04.1987 which is enforceable till date, wherein the heirs of Late Amarnath and Late Kedarnath became parties in said partition suit, and despite having knowledge of the said partition suit, co-accused Manju Devi executed an agreement to sale on 13.07.2006 with regard to 3 Katha 4 Dhurs of suit land in favour of co-accused Govind Gopal.

4. Learned counsel appearing on behalf of the petitioner submits that the present case has been lodged on 17.06.2013 for an agreement to sell dated 13.07.2006 and the crux of accusation is against co-accused Manju Devi. Petitioner has been implicated in this case because she is the daughter of Late Amarnath Prasad and moreover, she has no concern or interest in the said Title Suit No. 255/1984. The dispute involved in this case is purely civil in nature and is given a cloak of criminal offence only with a view to settle the civil dispute. Petitioner is a married woman since 2007 and is living separately at her



matrimonial house in Uttar Pradesh with her husband and three children. Similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court vide order dated 25.08.2015 passed in Cr. Misc. No. 34033 of 2015. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 474 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

CRIMINAL MISCELLANEOUS No. 38276 of 2024

7. Heard learned counsel for the petitioners and learned A.P.P. for the State.

8. The petitioners apprehend their arrest in connection with Town P.S. Case No. 474 of 2013 registered under Sections 147, 148, 149, 420, 467, 468, 471 and 120-B of the Indian Penal Code.



9. As per prosecution case, it is alleged that a Partition Suit No. 194/82 is pending before Sub-Judge-I and order of status quo is maintained since 10.04.1987 which is enforceable till date, wherein the heirs of Late Amarnath Prasad and Late Kedarnath became parties in said partition suit, and despite having knowledge of the said partition suit, co-accused Manju Devi executed an agreement to sale on 13.07.2006 with regard to 3 Katha 4 Dhurs of suit land in favour of co-accused Govind Gopal.

10. Learned counsel appearing on behalf of the petitioners submits that the present case has been lodged on 17.06.2013 for an agreement to sell dated 13.07.2006 and the crux of accusation is against co-accused Manju Devi. Petitioners have been implicated in this case because they are sons of Late Amarnath Prasad and moreover, they have no concern or interest in the said Title Suit No. 255/1984 and they are living separately in their respective dwellings. The dispute involved in this case is purely civil in nature and is given a cloak of criminal offence only with a view to settle the civil dispute. Similarly situated co-accused persons have already been granted bail by a co-ordinate Bench of this Court *vide* order dated 25.08.2015 passed in Cr. Misc. No. 34033 of 2015. Petitioners claim clean antecedent.



11. Learned A.P.P. for the State opposed the prayer for bail of the petitioners.

12. Having considered the facts and circumstances of the case, let the above named petitioners be released on bail, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail-bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 474 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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