

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40647 of 2024

Arising Out of PS. Case No.-161 Year-2022 Thana- BIHAR District- Nalanda

Yasmin Wife of Md. Ishtiyag Raza Resident of Village- Mahala Gaardh Per
P.S, Bihar, District -Nalanda

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh, Adv.
For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends her arrest in a case registered
for the offence punishable u/s 341, 323, 379, 386, 387 and 34 of
the IPC.

3. As per prosecution case, informant has given his flat on
rent to the petitioner's husband but when he asked the petitioner
and her husband to vacate the land, the petitioner's husband
along with others started abusing the informant and also
assaulted him and said that remaining rent of Rs.90,000/- has
been kept as *rangdari* tax and to vacate the flat, informant will
have to pay 50,000/- along with *rangdari* tax.

4. It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. She



has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that on 02.09.2021, one Masruddin Shah executed a lease deed in favour of husband of the petitioner for a period of five years and petitioner has paid the rent to Masruddin Shah and residing in the house as a tenant. It is further submitted that a civil suit bearing Title Suit No.364/2021 subsists between the informant and Masruddin Shah, which is pending in the court below, Biharsharif, Nalanda. It is further submitted that the husband of the petitioner has been granted bail by this Court vide order dated 28.09.2022 in Cr. Misc. No. 36519 of 2022. Petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, it appears that there is a civil nature of dispute between the informant and Masruddin Shah and petitioner has been made accused in rivalry of two parties, as such, I am inclined to enlarge the petitioner on anticipatory bail.

7. Accordingly, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the



learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bihar P.S. Case No.161 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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