

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53025 of 2023

Arising Out of PS. Case No.-185 Year-2021 Thana- PHULWARISHARIF District- Patna

RINKI KUMARI wife of Rajesh Kumar Ray Village- Shambhu Chhapra Po-
Basahi Ps- Baniyapur Dist- Saran, D/o- Mokhtar Singh, R/o- BMP-16,
Khagaul Phulwarisharif Patna Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarva Deo Singh, Advocate.

For the Opposite Party/s : Mr.Anant Kumar I, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 20-07-2024 Heard Mr. Sarva Deo Singh, learned counsel
appearing on behalf of the petitioner and Mr. Anant Kumar
No.1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Phulwarisharif P.S. Case No. 185 of 2021 registered for the
offence punishable under Sections 419, 420, 467, 468, 469, 471,
120B and 506 of the Indian Penal Code.

3. Prosecution story, in brief, is that one Dharmendra
Kumar impersonating himself as Grand father of the informant
illegally sold the land of the informant to the petitioner Rinki
Kumari to which co-accused Sanjeet Kumar was the identifier.
It is alleged that the original land holder is the informant Ram
Shubhag Singh who has lodged the F.I.R. against all the accused



persons named in the F.I.R. including the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that earlier prayer for bail of the petitioner was rejected vide order dated 09.05.2023 passed in Cr. Misc. No. 4811 of 2023. Now, the petitioner has renewed his prayer for bail by filing the present bail application. He further submitted that vide order dated 01.03.2024, the Superintendent of Police, Patna was directed to intimate the opposite party no.2 so that he may appear before this Court or file his counter affidavit. A compliance report has been submitted by the Additional Office In-charge, Janipur P.S. informing this Court that the order was communicated to opposite party no.2, namely, Ram Subhag Singh at his residential address vide notice dated 19.03.2024, however, till date, opposite party no.2, in spite of notice having been served to him on 19.03.2024, as it would appear from service report also annexed along with the letter dated 21.03.2024, he has not filed his counter affidavit before this Court. He further submitted that a Title Suit bearing No. 144 of 2021 filed by the informant is pending before the learned Sub-Judge-X, Patna.

5. Considering the nature of allegation made in the F.I.R. being purely civil in nature and no response from the



informant to protest the bail application, I find that the petitioner has made out a case to be released on bail.

6. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of her arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-IX, Patna in connection with Phulwarisharif P.S. Case No. 185 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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