

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53842 of 2024

Arising Out of PS. Case No.-200 Year-2023 Thana- RAJAPAKAR District- Vaishali

Suchitra Devi @ Suchitra Kumari @ Suchita Kumari D/O-Late Manendra Kumar Srivastava, W/O- Sri Rakesh Kumar Raushan Presently Resident Of Village- Kuldeep Chhapra, P.S.- Saraiya, Distt.- Muzaffarpur, Permanent Resident Of Mohalla- Hathsaarganj, P.S.- Hazipur Sadar, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Karna, Adv.

For the Opposite Party/s : Mr.Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 02-08-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner has earlier moved before this Court with a prayer for regular bail which was dismissed as withdrawn vide order dated 30.04.2024 passed in Cr. Misc. No. 32459 of 2024.

3. The petitioner seeks bail in connection with Rajapakar P.S. Case No. 200 of 2023 instituted for the offences under Sections 420, 467, 468/47, 504, 506, 120B/34 of the Indian Penal Code.

4. As per prosecution case, the wife of the Informant/Suchitra Kumar/petitioner executed a sale deed of the



ancestral land. On 26.04.2023, the Informant came to know about the same when he saw the certified copy of the sale deed. It is alleged that on 03.05.2023, the accused persons abused and threatened him. It is alleged that the wife of the Informant performed her marriage with accused Suman Kumar and they want to grab the land of the Informant. It is further alleged that the Informant filed a divorce case being Divorce Case No. 156/2022 in the family court. The Informant is of sound mind but, his wife declared her husband as of unsound mind.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against her and has falsely been implicated in the present case. The petitioner is the wife of the Informant. The Informant is not mentally fit and he is not giving any maintenance amount to the petitioner and her two children. He further submits that the petitioner has sold the ancestral property in which she and her two children have equal rights. The petitioner has no criminal antecedent and is languishing in judicial custody since 12.02.2024 without any rhymes or reason.

6. Learned counsel for the petitioner further submits that the matter is completely civil in nature and the concerned civil court has the jurisdiction to decide the right of the



petitioner along with two children and the Informant in the ancestral property.

7. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that this Court has already rejected the prayer for bail of the co-accused Suman Kumar vide order dated 25.06.2024 passed in Cr. Misc. No. 25216 of 2024.

8. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner and considering the nature of dispute being civil in nature, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Rajapakar P.S. Case No. 200 of 2023.

(Rudra Prakash Mishra, J)

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