

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56621 of 2024

Arising Out of PS. Case No.-219 Year-2023 Thana- MADANPUR District- Aurangabad

Urmila Kuer Wife of Late Kailash Singh R/V- KUSAHA, P.S.-
MADANPUR, DISTT.- AURANGABAD

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md Jubair Ansari, Adv
Ms. Sushma Pandey, Adv
Dr. Pramod Singh, Adv
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP
Mr. Jitendra Kkumar, Adv

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-09-2024 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel appearing on behalf of
the informant.

2. The petitioner apprehend her arrest in a case registered for the offences punishable under Sections 406, 420, 120B, 467, 468 and 471 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that petitioner is a woman and is a person with clean antecedent and in sum and substance, the informant alleges that she had purchased 26.05 decimal of land from the petitioner for an amount of Rs. 26 lakhs, but later the informant came to know that petitioner had a share of only 13 and odd decimal in the



land which she had sold, as such, the petitioner sold nearly 13 decimal of land in excess of her share.

4. The learned counsel for the petitioner submits that initially when the petitioner intended to sell the land to the informant at that time she had a talk with her nephew, i.e., son of her husband's brother, who lives in Jharkhand and he had permitted rather had given permission to sell his part of the land also, as such, the petitioner sold the entire 26.05 decimal of land in favour of the informant, but then submits that after the sale was made, thereafter her nephew started creating ruckus, as such, the petitioner gave an offer to the informant to execute a relinquishment deed in respect of the land sold, but then the said offer was not acted upon.

5. The learned counsel appearing on behalf of the informant submits that when informant came to know that petitioner had sold the land in excess of her share and her nephew is contemplating to sell the land of his share to a different person, as such, she bought 13 and odd decimal of land which formed part of the share of the nephew of the petitioner for a consideration of Rs. 13 lakhs, from the nephew of the petitioner. It is next submitted that in the event if the petitioner returns Rs. 13 lakhs to the informant, in that event, the



informant will withdraw the instant case.

6. The learned counsel for the petitioner fairly submits that it is not in dispute that petitioner was not the owner of the entire 26.05 decimal of land, rather her share was only 13.025 decimal, but since she was permitted by her nephew, as such the sale deed was executed, but then she is ready to return an amount of Rs. 13 lakhs to the informant. It is further submitted that the amount of Rs. 13 lakhs shall be returned to the informant on or before the date of surrender and in any case within a period of 3 months from today.

7. At this stage, the learned counsel appearing on behalf of the Informant submits that he will WhatsApp the bank account number of the informant on the WhatsApp number of the learned counsel appearing on behalf of the petitioner and the learned counsel appearing on behalf of the petitioner undertakes to communicate the same to the petitioner so that the amount of Rs. 13 lakhs as agreed is returned to the informant.

8. 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 trial court within a period of fourteen weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/-



(Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Madanpur P.S. Case No. 219 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

9. However, the learned trial court before accepting the bail bonds of the petitioner shall verify that as to whether the amount of Rs. 13 lakhs has been returned to the informant or not by the petitioner on or before the date of surrender and in the event, if it is found that the amount as agreed has not been returned to the informant in that event the present anticipatory bail order shall not be given effect to, but if the amount is returned, the anticipatory bail bonds of the petitioner shall be accepted forthwith.

10. At this stage, the learned counsel appearing on behalf of the informant based on instruction at the cost of repetition submits that even informant undertakes to withdraw the instant criminal case in the event if the amount of Rs. 13 lakhs is received by her.

(Satyavrat Verma, J)

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