

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61228 of 2024

Arising Out of PS. Case No.-715 Year-2023 Thana- RUPASPUR District- Patna

Sunita Devi, aged about 56 years, Female, wife of Ajay Kumar Singh, R/o Mohalla- Durga Asharam Gali, Rukunpura, Shekhapura, P.S.- Shastri Nagar, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Akash Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner apprehends arrest in connection with Rupaspur P S Case No.715 of 2023 dated 03.09.2023, instituted under Sections 406, 420, 506, 467, 468 and 120B/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and another co-accused has sold a land to the informant Akash Kumar alleged to be a purchased land of the petitioner Sunita Devi and power of attorney was also executed by Sunita Devi in favour of his son Navin Kumar on 09-02-2021 and said co-accused Navin Kumar executed a sale deed in respect of one katha ten dhoors @ Rs. Forty lacs per katha and the informant



paid consideration amount of Rs. Sixty lacs out of which Rs. Fifty lacs was paid through demand draft to Navin Kumar while Rs. Ten lacs paid to Santosh Bharti @ Santosh Singh through NEFT. The informant further gave Rs. Ten lacs to other co-accused including the petitioner through cash in different transactions of Rs. 20 to 25 thousand and the informant took the said money as loan from his friends and his family members. The informant also took loan from the Bank of Baroda and is paying Rs. Eight lacs EMI per month in this regard. It has been further alleged that the informant got the land mutated in his name and started construction of boundary wall of the said land, but some persons came and damaged the under construction work and caused loss to the informant of Rs. 15 lacs. The informant went at the place of occurrence and got knowledge that there were many claimants of his purchased land. Upon enquiry in Registry Office, Patna, and Danapur, it was revealed to the informant that the said land was already sold by Sunita Devi to one Chunnu Kumar and he was put in possession of the said land and then she executed power of attorney in his son's name and he sold the said land to the different persons and no land remained for sale. Thereafter, he sold the said land to the informant and in this way the petitioner Sunita Devi and his son



Navin Kumar had cheated the informant and grabbed Rs. sixty lacs and further caused loss to the informant of Rs. Thirty nine lacs due to their said act. When the informant demanded his money from the co-accused Santosh Bharti @ Santosh Singh, his wife Pinki Devi, Sunita Devi and Navin Kumar, they all threatened to kill him.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that the petitioner has neither entered into any agreement with the informant nor sold any piece of land to the informant. The petitioner has not received a single penny from the informant. The petitioner had purchased 05 Katha 09 Dhur and 07 Dhurki land from Chunnu Kumar on 23.09.2020 out of which the informant purchased one katha ten dhur land. It is further submitted that co-accused Santosh Kumar Bharti and the petitioner executed sale deed in respect of another portion of the petitioner's land due to which Chunnu Kumar has filed Title Suit No.06 of 2022 after execution of sale deed in favour of the informant which is pending for adjudication. Learned counsel for the petitioner further submitted that the dispute is of civil in nature and Title Suit has been filed by Chunnu Kumar, who is the vendor of the



petitioner. It is further submitted that co-accused Chunnu Kumar and Priti Kumari have been granted anticipatory bail by this Court by order dated 26.06.2024 passed in Cr. Misc. No.35955 of 2024 and co-accused Amrish Kumar Singh @ Amrish Kumar has been granted anticipatory bail by this Court by order dated 19.07.2024 passed in Cr. Misc. No.51668 of 2024. Lastly, it has been submitted that the petitioner has one criminal antecedents.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1st Danapur, in Rupaspur P.S. Case No.715 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

U			
---	--	--	--

