

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67369 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- BEN P.S. District- Nalanda

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KIRAN SHARMA W/O KANHAIYA JEE, D/O LATE RAMA SINGH R/O
VILLAGE- BANABIGHA, P.S- PARWALPUR, DISTT.- NALANDA.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Meera Sharma Daughter of Late Kameshwar Prasad Singh R/o D/04 Ground Floor Sector 02, New Delhi, New Delhi.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Shivendra Prasad, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 06-12-2024 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and the State.

2. The petitioner apprehends his arrest in connection with Ben P.S. Case No. 59 of 2023 for the offence punishable under Sections 406, 419 and 420/34 of the Indian Penal Code lodged on 04.05.2023 by the informant, Meera Sharma.

3. As per the prosecution story, the informant has alleged that her brother Kanhaiya went missing in the year 1977 and in the year 1981, the petitioner in Cr. Misc. No. 44113 of 2024 (Kanhaiya Jee) turned up claiming himself to be missing brother. This led to lodging of Silao P.S. Case No. 252 of 1981 in which in the year 2022, the Court held that this petitioner is not Kanhaiya rather Balak Das @ Daya Nand Gosai and as such, was convicted.



4. The allegation is that he produced certain documents in his support in the trial Court which was found to be forged and led to another Bihar P.S. Case No. 358 of 2022 in which he acknowledged that he is Balak Das @ Daya Nand Gosai. The Circle Officer, Ben thereafter issued public notice informing general public about the disposal of the case relating to Silao P.S. Case No. 252 of 1981 cautioning the public from purchasing the land from Kanhaiya Jee. However, he along with his two sons and three daughters are using Aadhar Card and Voter I.D. Card dealing with the bank, other financial institution and allegation is that he is disposing of the estate of the father of the applicant. Accordingly, the FIR.

5. In this case, the Co-ordinate Bench while issuing notice to the other side had granted interim relief to the petitioner on 06.11.2023.

6. It is the case of the petitioner that she being a housewife, had no knowledge about the alleged documents created in the matter, though it allegedly in her name, it is further case that actually the informant's father-in-law had gifted the land to her but after her husband was declared impostor, not a single inch has been sold.

7. Further, her husband already stands convicted in Silao P.S. Case No. 252 of 1981 on 05 April 2022 and it is not the



case of the other side that thereafter, he sold any land but only to put pressure, another FIR.

8. The last submission is that her husband has been released on bail in Cr. Misc. No. 44113 of 2024 on 02.08.2024 (Kanhaiya Jee Vs. the State of Bihar). The last submission is that if granted relief, shall be diligently appearing in trial and further do not have criminal antecedent.

8. Learned APP opposes the prayer for anticipatory bail submitting that both husband and wife connived in which the husband became the son of the land owner and sold number of lands for which he already stands convicted.

9. Taking into account the aforesaid facts as also that there is categorical submission that after the husband was convicted, not a single land has been sold, she is a lady, interim protection was granted by a Co-ordinate Bench much earlier, has undertaken to diligently appear in trial and husband has already been granted relief, in that background, this Court is inclined to grant her the anticipatory bail with conditions.

10. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Class,



Nalanda in connection with Ben P.S. Case No. 59 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show her *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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