

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68079 of 2023

Arising Out of PS. Case No.-27267 Year-2014 Thana- PATNA COMPLAINT CASE District-
Patna

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Lilawati Devi, W/o Late Narayan Parsad, Resident of Diwan Mohalla, Pato
Ki Bag, Gwal Toli, P.S- Khajenkala, Distt. - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar, Son of Jawahar Lal Chaudhary, R/o Sri Krishna Balaji Enclave, Flat no. 102, Railway Hnder Road, East Lohanipur, P.S. - Kadam Kuan, Distt. Patna AND Shop Address - Ankit Auto Paints Corporation No. G-6 Ground Floor Ashiyana Business Centre Basiuddin Arkade Exhibition Road Near Apsara Cinema Hall Thana - Gandhi Maidan Distt - Patna Bihar 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajnish Kumar, Advocate
For the State	:	Mr.Satyendra Narayan Singh, APP
For the O.P.No.2	:	Ms. Shiwani Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the complainant.

2. In the present case, the petitioner is apprehending her arrest in connection with Complaint Case No.27267(C)/2014 P.S. Case No. 227 of 2022 in which cognizance has been taken under Section 420, 379 and 323 of the Indian Penal Code.

3. As per prosecution case, the petitioner and other co-accused persons entered into an agreement with co-accused Sudhir Prasad Singh. Thereafter, they entered into an agreement



with the complainant for their land and the co-accused persons Sudhir Prasad Singh and Prabhat Kumar received Rs.50 lacs from the complainant as advance payment. Thereafter, further payment of Rs.20,32,000/- was made to the petitioner, co-accused Sanjeev Kumar and Deepak Kumar. After the full payment, the other co-accused persons executed a sale deed dated 16.11.2013, but later on the petitioner refused to put her signature on the sale deed and they did not get the sale deed registered in favour of the complainant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. She is absolute owner of the property in question and she never entered into any agreement with the complainant. No payment was made to this petitioner. The petitioner has no concern with any agreement entered into by the complainant and co-accused Sudhir Prasad Singh. The co-accused Sudhir Prasad Singh was granted anticipatory bail by this Court in view of settlement between the parties through the process of mediation vide order dated 20.10.2016 passed in Cr. Misc. No. 19366 of 2016. The learned counsel further submits that the petitioner is an old lady aged about 74 years. The petitioner is having clean antecedent.



5. Learned APP as well as learned counsel appearing on behalf of the complainant vehemently oppose the submission made on behalf of the petitioner. The learned counsel for the complainant submits that three co-accused persons, who along with co-accused Sudhir Prasad Singh received money, are the sons of this petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation against the petitioner and further considering the civil nature of dispute of the parties and possibility of false accusation, let the petitioner, above named, in the event of her arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna, in connection with Complaint Case No.27267 (C) of 2014, subject to the conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

V.K.Pandey/-

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