

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66928 of 2023

Arising Out of PS. Case No.-46 Year-2023 Thana- SHEOHAR District- Sheohar

SADRA KHATUN WIFE OF SERAJ ANSARI RESIDENT OF VILLAGE-
SHEOHAR, WARD NO.9, P.S.-SHEOHAR, DISTRICT-
SHEOHAR(BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravi Raj

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending her arrest in connection with Sheohar P.S. Case No. 46 of 2023 registered for the offences under Section 341, 406, 468, 467, 471, 504, 506 and 34 of the Indian Penal Code.

3. As per prosecution case, the allegation against the petitioner is that she purchased the land belonging to the deceased-husband of the informant from his co-accused brother who had earlier been given a power of attorney to sell the said land which expired after the death of husband of the informant. The allegation against the petitioner is that she knowingly purchased the land and was having knowledge about the death



of the husband of the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel further submits that from the F.I.R. it is evident that no allegation has been made against the petitioner and it is completely wrong to say that the petitioner was having knowledge of death of husband of informant and the cancellation of power of attorney due to his death. Learned counsel further submits that the petitioner is a purchaser from the co-accused brother of the deceased-husband of the informant for valid consideration. Except for the same the petitioner has got no interest in the present case. The present case has been lodged with malicious intent. None of the offences as mentioned in the F.I.R. are applicable against the petitioner. Other co-accused persons who received the consideration money and allegedly sold the land even after expiry of the principal have been granted bail by a co-ordinate bench of this Court vide order dated 23.01.2024 passed in Cr. Misc. No. 51488 of 2023. The petitioner undertakes to co-operate in the trial of the case as and when required. The Petitioner is a lady and has got no criminal antecedent.

5. Learned APP vehemently opposes the



submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute and the strong possibility of false implication, 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 bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned court of learned CJM, Sheohar/court concerned in connection with Sheohar P.S. Case No. 46 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other 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)

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