

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 80694 of 2023

Arising Out of PS. Case No.-2237 Year-2018 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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Jyoti Devi, aged about 44 years, Gender-Female, Wife Of Binod Prasad Resident Of Village- Dhanwatia Ward No. 8, P.S. Jogapatti, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Buchan Devi @ Shivakali Devi Widow Of Shivpujan Mahto Resident Of Village- Giddha, P.S.- Chanpatia, District- West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Alexander Ashok, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

7 21-03-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail registered for the offence under Section 392 of the Indian Penal Code.

3. As per the complaint case lodged by the complainant, namely, Buchan Devi alleging therein that she is second wife of Shivapujan Mahto, who is first wife died earlier and from first wife, her husband had one female issue Phulmati Devi. It is further stated in the complaint petition that due to care and service of complainant, her husband out of love and affection executed a deed of gift dated 03.06.1986 for 17.19 dhurs



of land in favour of complainant and handed over possession of the same, out of wedlock, complainant gave birth to one daughter Jyoti Devi (petitioner) accused and one son Satyadev Prasad Kushwaha (accused no.2) subsequently it is also alleged by the complainant that after marriage of her son, his in laws started putting pressure to give the aforesaid land in favour of accused No.2 which she denied upon which accused no.2 assaulted her and thrown her out of house then she went to her brother's place and started living there. It is also alleged that on 08.09.2018 complainant executed deed no.16533 in favour of Phulmati Devi subsequently it was stated that accused no.2 and accused no.1 connived and under conspiracy declared the complainant dead and accused no.1 sold 9 Katta of land vide deed dated 02.08.2018 in favour of accused no.2 in which brother-in-law of accused no.2, namely, Rambhawan Kumar had become identifier and one Bidya Thakur was witness, hence both of them also made accused as accused no.3 and 4 respectively. The complainant further stated that on 04.08.2018, she came to know about the conspiracy them filed the present complaint case.

4. Learned counsel for the petitioner has submitted that petitioner has falsely been implicated in this case. He next submits that complainant is step mother of petitioner and



accused no.2 under ulterior motive of undue gain, she claims herself to be Buchan Devi, i.e., own mother of the petitioner whereas Buchan Devi died on 01.01.1987. He next submits that petitioner being married lady and mother of 1.1/2 years old child is languishing behind bars where as her infant child is passing through great hardship in absence of her mother as stated in para-13 of the petition. Petitioner is in custody since 23.08.2023.

5. Learned APP appearing for the State, opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be directed to be released on bail in connection with Complaint Case No.2237(C) of 2018 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned CJM, West Champaran, Bettiah.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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