

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85862 of 2024

Arising Out of PS. Case No.-370 Year-2024 Thana- PHULWARISHARIF District- Patna

Deoyani Kumari @ Devyani Devi Wife of Mr. Rajesh Kumar Resident of PC Colony B19, Near Shree Niwas Hospital, P.S. - Kankarbagh, Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Dilip Kumar No.1, APP
For the Informant	:	Mr. Rajendra Narain, Sr. Advocate Dr. Pankaj, Advocate Mr. Ajay Kumar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 17-12-2024 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Rajendra Narain, learned Senior Counsel for the informant and Mr. Dilip Kumar No.1, learned A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offences punishable under Sections 420, 467, 468, 471 & 120B/34 of the Indian Penal Code.

3. It is alleged that the petitioner along with other co-accused have effectuated a partition without involving her and have prepared a forged document to that effect, and using the same they are trying to sell of the properties. It is further alleged that they have taken advances for several pieces of land



on the basis of the forged partition.

4. It is submitted by learned counsel for the petitioner that no such occurrence as alleged ever took place. She has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the husband of the petitioner is lying ill and he has given his thumb impression at his residence in presence of his uncle and others. The Investigating Officer has also recorded the statement in which he has stated that he gave his impression willingly and further stated that if his sister i.e. the present informant wants to take share in property of the family then he and his wife has no objection. There is admitted land dispute between the parties. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned senior counsel for the informant and learned APP for the State opposed the prayer for bail. Learned senior counsel for the informant submitted that the informant has right in the share but her share has not been given. It is further submitted that on the application of the informant the Jamabandi has been cancelled.

6. Having regard to the facts and circumstances of the case



as well as the fact that there is *inter se* land dispute, which is purely civil in nature, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Phulwarishariff P.S. Case No. 370 of 2024, subject to the condition as laid down under Section 438 (2) of Cr.P.C.

(Anjani Kumar Sharan, J)

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