

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86116 of 2023**

Arising Out of PS. Case No.-578 Year-2022 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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Kiran Devi Wife of Vijay Kumar Singh Resident of village- Soha, Police station- Sonbarsa Raj, District- Saharsa

... .. Petitioner/s

Versus

1. The State of Bihar
2. Uttam Kumar Singh Son of Kapaleshwar Prasad Singh Resident of Village- Muradpur, P.S.- Parbatta, District- Khagaria

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Singh, Advocate.
For the Opposite Party/s	:	Mr.Mithlesh Kumar Khare, APP.
For O.P. No.2	:	Mr. Amarnath Jha, Advocate.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 09-04-2024 Heard Mr. Satish Kumar Singh, learned counsel appearing on behalf of the petitioner; Mr. Mithlesh Kumar Khare, learned APP for the State and Mr. Amarnath Jha, learned counsel for the opposite party no.2.

2. The petitioner seeks pre-arrest bail in connection with Saharsa Complaint Case No. 578c/2022 registered for the offence punishable under Sections 420, 406, 467, 468 of the Indian Penal Code.

3. As per the allegation made in the complaint, the accused persons named therein on the pretext to execute sale deed with respect to one katha 10 dhur land had received a sum of Rs.9,95,000/- through different modes from the complainant



and thereafter refused to execute sale deed with respect to the land which was shown by the petitioner.

4. Mr. Satish Kumar Singh, learned counsel appearing on behalf of the petitioner submitted that the total amount of Rs. 9,95,0000/- mentioned in the complaint cannot be accepted taking into consideration the fact that only a sum of Rs.4,95,000/- was transferred into the bank account of the petitioner by the complainant and there is no evidence to show that the complainant has given Rs.5 lacs in cash by way of advance to the petitioner.

5. Mr. Amarnath Jha, learned counsel has tendered his appearance on behalf of the complainant (opposite party no.2) and submitted that from the very beginning, the petitioner with an intention to commit forgery had shown a land which was allegedly not her own land and on the pretext of executing sale deed with respect to the land measuring 1 katha 10 dhur she has fraudulently received Rs.9,95,000/- from the complainant and thereafter refused to execute sale deed with respect to the land which she had promised to sell. Hence, the petitioner don't deserve to be released on pre-arrest bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.



7. Having considered the rival submissions made on behalf of the parties as well as the fact that the petitioner has admitted that a sum of Rs.4,95,000/- has been transferred into her bank account and with respect to Rs.5 lacs which has been allegedly given by the complainant to the petitioner in cash by way of advance, I am of the opinion that the matter is purely civil in nature relating to execution of sale deed in respect of the land and in absence of any evidence with respect to the cash transaction, it would be in the interest of the parties that they may resolve the dispute amicably and file an affidavit to that effect before the District Court within a period of two months.

8. In the meantime, the petitioner, above named, is directed to be released **on pre-arrest bail provisionally**, so that the petitioner and the complainant may arrive at an amicable settlement within the aforesaid period, in the event of her arrest or surrender before the Court below within a period of four weeks from today, 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, Saharsa in connection with Complaint Case No. 578c/2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.



9. If the parties are satisfied, the provisional bail granted to the petitioner shall be made absolute on such terms and conditions as the District Court may deem it fit and proper.

(Purnendu Singh, J)

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