

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3128 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- RAFIGANJ District- Aurangabad

Prabhawati Rai wife of Mahavir Sawarkar Village- Pachariya Ps- Rafiganj
Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Paswan, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar, APP

Ms. Leelawati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Rafiganj P.S. Case No. 434 of 2023 dated 07.10.2023, instituted
for the offence punishable under Sections 420, 120(b), 406 of
the Indian Penal Code.

3. The prosecution case, in short, is that, informant
being an old woman of 75 years has been duped by getting her
properties sold in favour of the petitioner on the pretext of
taking her signature on the documents relating to old age
pension.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and she has been falsely implicated in this case. It is further submitted that petitioner is the wife of younger brother of the informant's deceased husband (devar). It is further submitted that the petitioner purchased the land from the informant on valuable consideration. As per the allegation mentioned in the F.I.R., the informant has not received any consideration amount from the purchaser in this regard. Learned counsel for the petitioner further submitted that a title suit bearing Title Suit No. 359 of 2023 has been filed for cancellation of sale deed dated 21.09.2023 bearing Sale Deed No. 17397 and 17398 which is pending for final adjudication. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. and learned counsel for the informant vehemently opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Rafiganj P.S. Case No. 434 of 2023, she shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
A.C.J.M.-IV, Aurangabad, subject to condition as laid down
under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

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