

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30471 of 2025

Arising Out of PS. Case No.-1609 Year-2024 Thana- AHYAPUR District- Muzaffarpur

Pratima Devi Wife of Late Raj Mohan Sah Resident of Mohalla - Sangam
Chowk, Brahampura, P.S.- Brahampura, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Hari Kishore Thakur, Advocate
For the State	:	Mr. Suman Kumari Singh, A.P.P
For the Informant	:	Mr. Sunil Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-05-2025 Heard Learned counsel for the petitioner, Learned
APP for the State and Learned counsel for the informant.

2. The petitioner is apprehending arrest in connection with Ahiyapur P.S. Case No. 1609 of 2024 lodged on 27.11.2024, for the offence punishable under Sections 318(4), 316(2), 351(2) & 351(3) of the Bharatiya Nyaya Sanhita, 2023.

3. As per the prosecution, FIR has been lodged against two named accused persons including the present petitioner. It has been alleged in the FIR that the petitioner has taken money from the informant in the name of land, but the petitioner did not execute the sale deed in favour of informant and later on, petitioner disclosed that a partition suit was pending in respect of the suit land. After a lapse of more than one and half years, when petitioner did not execute the sale deed then the informant



demanded his money back on which the accused persons not only refused to pay back but also threatened to implicate him in false case.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel submits that admittedly, the land which is the subject matter of the dispute, belongs to the mother in law of the petitioner. Counsel submits that certain part of the land has been sold by mother in law on which the petitioner and her son both are witnesses. Counsel further submits that it is also admitted that the said amount has been received through petitioner for mother in law but the rest land which is 10 decimals for which the dispute is going on. Counsel submits that if, agreement of sale is executed in favour of the informant then he has every right to execute it through the Specific Performance of Contract. Counsel further submits that petitioner is a lady aged about 41 years having clean antecedent.

5. Learned counsel for the informant vehemently opposes the prayer for bail and submits that the attitude of the petitioner is such that on one hand, money has been received and on the other, she is not ready to execute the land and it is due to this reason, bail application of petitioner may be rejected.



6. Learned APP for the State opposes the prayer for bail of the petitioner.

7. As such, in the present facts and circumstances of this case, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023 to the satisfaction of Chief Judicial Magistrate, Muzaffarpur, in connection with Ahiyapur P.S. Case No. 1609 of 2024, subject to the conditions as laid down U/s 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

8. It is made clear that granting bail to the petitioner by this Court shall not restrain the informant to take legal recourse under Specific Performance of Contract.

(Dr. Anshuman, J)

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