

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49690 of 2025

Arising Out of PS. Case No.-394 Year-2025 Thana- PHULWARISHARIF District- Patna

Shahla Parween Wife of Md. Jahangir Alam @ Md. Jahangir Resident of
Milkiyana P.S -Phulwari Sharif, Dist- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Tarikur Rahman Son of Resident of Sabjpura, Jafar Colony, Ps- Phulwari Sharif, Dist- patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Dilbar Krishna
For the Opposite Party/s : Mr.Anil Kumar

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 07-08-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends her arrest in a case registered for the offence under Sections 406 420/34 of the Indian Penal Code.

3. The prosecution case, in brief, is that on 12.09.2020, this petitioner executed an agreement for sale of her land/house, bearing Khata no. 776, survey plot no. 2214, Thana no. 35, Distt- Patna, in favour of the informant/O.P.No.2 on total consideration amount of Rs. 90,00,000/- and at the time of execution of sale agreement, he (informant) gave Rs. 8,00,000/- to petitioner and her husband and they put their signature on every page of the said sale agreement and assured him to execute the sale deed. It is further alleged that on 04.02.2021, the informant gave Rs. 30,00,000/- to Shahla Parween



(petitioner) in presence of her husband Md. Jahangir, but after receiving total Rs. 38,00,000/-, both accused were not ready to register the said land in favour of the informant and on 21.01.2025, informant come to known that petitioner had registered the said land in favour of some other persons and when informant asked about this, the accused persons abused and threatened him. Thereafter informant lodged present F.I.R against petitioner and her husband.

4. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. Informant is own brother of petitioner. As a matter of fact, after negotiation, the petitioner agreed to sale the land/house and at the time of agreement, petitioner received Rs. 8,00,000/- out of total consideration amount of Rs. 90,00,000/-, but thereafter, the informant did not pay the rest amount and hence, petitioner sold the said property in favour of two other persons. By way of referring to paragraph – 14 of the bail petition, learned counsel for the petitioner specifically submits that Rs. 8,00,000/-, which was taken as advance, has already been returned to informant on 23.02.2024. In support of this submission, learned counsel for the petitioner has brought on record copy of mutual understanding dated 27.02.2024, kept at Annexure P/5 to the



bail petition. Moreover, the dispute is purely of civil nature.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

6. Considering the fact that dispute is civil in nature and petitioner is lady, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M. - IV, Patna in connection with Phulwari Sharif P.S. Case No. 394 of 2025, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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