

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65558 of 2024**

Arising Out of PS. Case No.-463 Year-2023 Thana- GHORASAHAN District- East
Champaran

Asha Devi Wife Of Lal Babu Ray Resident Of Village- Pakariya Tola,
Fatehpur, P.S.-Lakhaura, District-East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 18-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner apprehends her arrest in connection
with Ghorasahan P.S. Case No. 463 of 2023, registered for the
offences punishable under Sections 147, 148, 149, 341, 342,
323, 379, 420, 327, 385, 504, 506 of the Indian Penal Code.

3. The allegation against the petitioner is that she
along with other accused persons in collusion with each other,
by forging and fabricating the document pertaining to the land
of the informant got registered in their name and thereafter sold,
it to other person.

4. Learned Advocate appearing on behalf of the
petitioner contended that even if the allegation taken to be true



for the sake of argument prima facie, it appears to be civil in nature and for which the informant has a remedy before the Civil Court of competent jurisdiction. However, only in order to put pressure the present FIR has been instituted. Even as per the FIR, the allegation against the petitioner is that she got registered the alleged land on 05.06.2012 and the same has been cancelled by the learned Magistrate, Sikarahnna, Dhaka vide order dated 01.09.2018, but surprisingly neither the date nor the sale deed has been placed on record by which allegedly the petitioner has sold the land. The petitioner is a lady having fair antecedent and she undertakes that she will fully co-operate in the investigation and the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposed the pre-arrest bail application and submits that the sale deed of the land which has already been cancelled by the learned Sub-Judge Sikarahnna, Dhaka, has been sold by the petitioner and as such there is fraud on the informant as well as Court itself.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the informant has not disclosed the particulars of the sale deed through which the petitioner allegedly sold the land to others, coupled with the



fact that the dispute predominantly appears to be civil in nature and the petitioner is a lady, let the petitioner above named be released on bail, in the event of her arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, 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.-3, Sikarahna at Dhaka, District-East Champaran, Motihari in connection with Ghorasahan P.S. Case No. 463 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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