

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80964 of 2023

Arising Out of PS. Case No.-533 Year-2018 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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Gyanti Devi W/O Late Radhe Shyam Prasad Village- Hasanpura, Ps.
Shakurabad, Dist. Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jawahir Mallah @ Nanhak Mallah S/O Late Devnandan Mallah Mohalla-
Malahchak, Ps. And Dist. Jehanabad.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

11 10-10-2025 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in a case
registered for the offence punishable under Sections 323, 342, 420,
379, 120B, 504 and 506 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioner
submits that the case was taken up on 19.12.2023 when the then
Coordinate Bench issued notice to the opposite party no. 2. It is
further submitted that in compliance of the order dated
19.12.2023, notices on the address furnished in the complaint were
filed within time. It is next submitted that from perusal of the
office report dated 20.03.2025, it would manifest that the same
records with regard to ordinary and registered cover notice that it
has been reported that opposite party no. 2 could not be traced at
given address.



4. Learned counsel for the petitioner submits that the notices were sent on the address furnished by the opposite party no. 2 in the complaint case and the office report records that the opposite party no. 2 could not be traced which amply demonstrate that opposite party no. 2 is evading the notice.

5. In view of the submissions made on behalf of learned counsel for the petitioner, the notice is deemed to be validly served. Learned counsel for the petitioner next submits that the petitioner has antecedent of one case and is a women. It is next submitted that even presuming what has been alleged in the F.I.R. is true without admitting then also the dispute is purely civil in nature, it is further submitted that the complainant alleges that she was called to Jehanabad by Asha and Dilip, as she had gone for obtaining the decree of the Court with respect to her land along with her children, further Asha and Dilip confined her children and pressurized the complainant to execute sale deed in favour of the petitioner, it is next submitted that it is not in dispute that the sale deed stands executed by the complainant in favour of the petitioner, it is thus submitted that if the complainant is aggrieved by the fact that she was made to execute the sale deed under duress or coercion in that event the complainant had remedy to approach a Court of Competent Civil Jurisdiction for getting the sale deed cancelled, where the petitioner would have got an opportunity to



appear and rebut her claim. It is next submitted that as of date the sale deed stands in the name of the petitioner and the complainant has not moved before a Court of competent Civil Jurisdiction for getting the same cancelled.

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

7. Considering the submissions made by learned counsel for the parties and taking into consideration the fact that the petitioner is a lady having no criminal antecedent, let petitioner, above-named, in the event of her arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/Successor Court in connection with Complaint Case No. 533 of 2018, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Ranjeet/-

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