

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49593 of 2026

Arising Out of PS. Case No.-183 Year-2025 Thana- KHIJARSARAI District- Gaya

Sunaina Devi Wife of Late Subedar Singh Resident of Village- Sahbajpur,
P.S.- Khizersarai, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH

ORAL ORDER

2 22-07-2026 Heard learned counsel for the for the petitioner and

learned APP for the State.

2. In the present case, the petitioner is apprehending her arrest in connection with Khizersarai Case No. 183 of 2025, registered for offences punishable under Sections 126(2), 115(2), 303(2), 308(3), 316(2), 318(4), 338, 336(3), 340(2), 352, 351(2) and 61(2) of Bharatiya Nyaya Sanhita.

3.As per the prosecution case, the informant lodged a written complaint before the SHO alleging that he is the owner of ancestral land situated at Khizersarai, District Gaya. The land is recorded in the name of his grandfather in the revenue records, and rent receipts have been issued in the name of his father. It is alleged that certain land mafias, including petitioner Sunaina Devi, in connivance with accused persons has tampered with Register-II and fraudulently secured mutation of the land in her name, despite the mutation earlier standing in the name of

Namrata Devi. The prosecution further alleges that petitioner executed a registered sale deed in favour of Kiran Devi by falsely claiming ownership, with Ramashray Singh acting as the identifier and Arvind Kumar as an attesting witness. On the basis of the said sale deed, the accused persons allegedly attempted to dispossess the informant from the land in question. It is further alleged that Krishna Singh assaulted and threatened the informant, demanded Rs. 5 lakh as extortion, and Munna Singh forcibly took Rs. 5,000 from his pocket while threatening to kill him if he re-entered the disputed land. The accused persons are also alleged to be habitual land grabbers involved in similar offences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. It is contended that from a perusal of the FIR it shows that the petitioner had sold the land in question on 06.03.2025 by way of Registered Sale Deed No. 898 in favour of one Kiran Devi. The land so transferred stood duly recorded in the petitioner's name on the basis of a settlement made by the landlord, and the Jamabandi had also been mutated in her favour. Thus, the petitioner, being the recorded holder of the land, validly executed the sale deed for valuable consideration.

It is further submitted that no dishonest intention or fraudulent act can be attributed to the petitioner so as to constitute the offence of cheating. At best, the dispute between the parties is a *bona fide* civil dispute relating to title and possession of the land, which has been given a criminal colour. It is also submitted that the petitioner is an elderly lady aged about 80 years, and in the facts and circumstances of the case, she deserves the privilege of anticipatory bail.

5. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner.

6. Keeping in view the aforesaid facts and considering the clean antecedent of the petitioner, let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender within a period of four weeks from the date of receipt of this order, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya in connection with Khizersarai P. S. Case No. 183 of 2025 subject to the conditions as laid down under Section 482(2) of BNSS.

(S. B. Pd. Singh, J)

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