

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86563 of 2025

Arising Out of PS. Case No.-597 Year-2024 Thana- MOTIHARI MUFASIL District- East
Champaran

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Usha Devi @ Most. Usha Devi W/o Late Chandeshwar Ojha Resident of -
Rajpur Kaul, Marpa, Bishunpur, Basant, P.S.- Phenara, District- East
Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pampi Kumari W/o- Abhishek Singh R/o- Sirsa Khap P.S. - Motihari
Muffasil District - East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

7 31-07-2026 Heard Mr. Krishna Kant Singh, learned counsel

appearing on behalf of the petitioner and Mr. Shantanu Kumar,

learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection
with Motihari Muffasil P.S. Case No. 597/2024 registered for
the offence(s) punishable under Sections
329(3),352,318(4),338,340(2),61(2) of the BNS.

3. As per the allegation made in the FIR, the
informant alleged that after her father-in-law executed a
registered deed of gift in her favour in respect of the land in
question, the petitioner, claiming title over the same on the basis
of a sale deed executed by her, tried to dispossess the informant



and had prepared forged documents to grab the property.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is innocent and has been falsely implicated in the present case, which has arisen out of a long-standing civil dispute relating to title and possession over the land in question. He submitted that the petitioner is the sister of the informant's father-in-law and is a coparcener in the ancestral property, having one-fourth share therein. Referring to paragraph 3 of the supplementary affidavit, learned counsel submitted that the genealogy brought on record clearly demonstrates the relationship of the parties and the entitlement of the petitioner to one-fourth share in the ancestral property. He further submitted that the petitioner has sold only a part of her share, which itself indicates that the informant has admitted the petitioner's share in the property. He further submitted that after the petitioner questioned the execution of the deed of gift in favour of the complainant, the complainant side assaulted Lalbabu Prasad, for which Muffasil P.S. Case No. 542 of 2024 was instituted and only thereafter, by way of retaliation, the present complaint came was lodged. Learned counsel further submitted that the present case is a civil dispute regarding title and possession. He also submitted that Title Suit No. 710 of



2012, instituted by the vendee of the petitioner, is already pending before the competent Civil Court wherein the parties have already appeared and, put to exert pressure upon the petitioner in the pending civil litigation, the present criminal case has been instituted. The petitioner has clean antecedent. On these grounds, the petitioner seeks to be released on pre-arrest bail.

5. Mr. Vinod Kumar Paswan, learned counsel appearing on behalf of the informant, opposed the prayer for pre-arrest bail. He submitted that the petitioner does not deserve the privilege of pre-arrest bail as she, in connivance with other family members, deliberately forged documents. He, however, fairly admitted that the petitioner had coparcenary rights in the ancestral property but contended that she had already sold her entire share and, therefore, had no subsisting right, title or interest in the property.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made on behalf of the parties and upon consideration of the materials available on record, this Court finds that the dispute between the parties essentially relates to their respective rights and shares in the



ancestral property of their common ancestor, Late Kameshwar Singh. It has been brought to the notice of this Court that the petitioner has already alienated a portion of the land falling to her share and the vendee of the petitioner has instituted Title Suit No. 710 of 2012, which is pending before the competent Civil Court. It has further been informed that the parties have already appeared in the said suit.

8. In the aforesaid background, I find that it appropriate to take note of the law laid down by the Apex Court in case of *Bimla Tiwari vs. State of Bihar & Ors.*, passed in *SLP (Crl.) Nos. 834-835 of 2023*, wherein the Apex Court has observed that criminal proceedings should not be permitted to be used as an instrument to settle essentially civil disputes arising out of property transactions.

9. Accordingly, the petitioner is directed to be released on pre-arrest bail in the event of her arrest or surrender before the learned court below within a period of four weeks from today 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 District Court where the case is pending in connection with Motihari Muffasil P.S. Case No. 597 of 2024, subject to the conditions laid down under Section



482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases, as what has been stated in paragraph no.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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