

In the Court of Addl. Sessions Judge-II, Danapur.

(Present :- Kshiprachala Anjalee, Additional Sessions Judge-II, Danapur.)

A.B.P. No. 94 of 2025.

(Arising out of Bihta P.S. Case No. 194 of 2023).

Smt. Malti Devi, wife of Santosh Kumar Son, Resident of Mahavir Nagar, Police Station-Bihta, District-Patna. Petitioner.

Versus.

The State of Bihar.

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Opp.Party.

Learned counsel for the petitioner :- Sri Kumar Gaurav, (Advocate)

Learned counsel for the State :- Sri Safdar Heyat, (A.P.P.)

Order.

15-04-2025. This anticipatory bail petition has been filed on behalf of the above-named petitioner, who apprehends her arrest in connection with Bihta P.S. Case No. 194 of 2023 registered under sections 420, 465, 467, 468, 447 and 120(B) and 506 read with section 34 of the I.P.C., pending in the Court of learned A.C.J.M.-I, Danapur.

It is submitted on behalf of the petitioner that she has not filed any other bail petition either for grant of regular or anticipatory bail before this learned court or before the Hon'ble High Court, Patna. There is no any bail petition pending before any other court and it is the first bail petition filed on behalf of the aforesaid petitioner. It is further submitted that the petitioner is innocent and committed no offence and she has been falsely implicated in this case due to land dispute. No such type of occurrence has taken place as alleged in the F.I.R. The petitioner had purchased land of Mauza-Kanhauli, Thana No.69, Tauzi No.2553, Khata No. 211, Plot No.1101 from the rightful owner in possession namely Sri Bindeshwari Rai and Sri Baleshwar Rai, both sons of Late Sobha rai of Kanhauli, Police Station-Bihta, District-Patna, through Sale Deed No.9282 dated 09-10-2014 by paying entire consideration amount to the aforesaid vendor. She further sold out her purchased property to achiev her legal necessity along with one more purchaser Sri Dinesh Kumar Gupta through Sale Deed No.112 dated 06-01-2016 to Smt. Pratima Devi. The entire Khata No.211 admeasuring an area 8 decimals which belongs to Late Atwaru Rai and Atwaru Rai had two wives, from first wife Atwaru Rai blessed with two sons namely Bhikhari Rai and Sudhu Rai, and from second wife Atwaru Rai also blessed with two sons namely Bhagwan Rai and Bhunu Rai. It is further submitted that Bhikhari Rai had one son namely Shobha Rai and Late Sobha Rai has two sons namely Baleshwar Rai and Bindeshwari Rai and Late Atwaru Rai had devolved his property into two equal parts and each part got 4 decimals land and subsequently as per amicable partition, the vendor Baleshwar Rai and Bindeshwari Rai executed sale deed in favour of Smt. Malti Devi. Hence, the petitioner is the bonafide purchaser. Another co-

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accused Pappu Singh has been granted anticipatory bail by the Hon'ble Court vide order dated 24-01-2024 passed in Cr. Misc. No. 67536 of 2023. Other co-accused namely Baleshwar Rai, Bindeshwari Rai and ramjet Rai has already been granted bail vide order dated 14-11-2024 passed in A.B.P. No. 1813 of 2024. The petitioner is a lady. The petitioner has clean antecedent. The petitioner is ready to abide by any condition imposed against her and there is no chance of her absconding and hence she may be given benefit of anticipatory bail.

Learned Addl. P.P. opposed the prayer of anticipatory bail.

As per F.I.R., the prosecution case, in brief, is that the informant Ashok Kumar Gupta alleged that on 25-03-2023, he has purchased 4.125 dec. land bearing Tauzi No. 3883, P.S. No. 69, Khata No. 211, Survey Plot No. 1101 from (1) Most. Jaso Devi wife of Late Bhagwan Rai, (2) Raj Kumar Rai, son of Late Bhagwan rai of Kanhauli (3) Jitendra Rai, son of Ram Babu Singh through registered deed. Baleshwar Rai, Bindeshwari Rai, both sons of Late Shobha rai have sold 2.1087 dec. land to Smt. Malti Devi wife of Santosh singh on 09-10-2014 through registered deed. Ramjeet Rai, son of Late Judagi Rai has also sold 2.1087 dec. land to Dinesh Kumar Gupta, son of Mahuli Sah on 09-10-2014. Thereafter, on 06-01-2016 Dinesh Kumar Gupta and Malti Devi also sold the said land to Pramila Devi wife of Late Laxman Sah through registered deed. Thereafter, accused persons have started construction work on the said plot on 24-02-2023 and when he protested to construction work, but they did not stop the work. Hence, in conspiracy with Pappu Singh, land Mafia, and others were involved in the said occurrence.

Perused the record and case diary. On perusal of the case diary, it transpires that the Informant claimed to have purchased only 4.125 dec. land of Khata No. 211, Plot No. 1101 from Jaso Devi and others. Admittedly total land of Khata No. 211, Plot No. 1101 is more than 4.125 dec. Two sale deeds allegedly executed after sale deed of the informant. Seller are members of same family and it appears that there are some disputes regarding their shares.

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Thus, dispute seems to be civil in nature. Another co-accused Pappu Singh has been granted anticipatory bail by the Hon'ble Court vide order dated 24-01-2024 passed in Cr. Misc. No. 67536 of 2023. Other co-accused namely Baleshwar Rai, Bindeshwari Rai and ramjet Rai has already been granted bail vide order dated 14-11-2024 passed in A.B.P. No. 1813 of 2024. Dispute is of civil in nature. Petitioner is the purchaser of disputed land and she is lady. It is submitted and claimed on behalf of the petitioner that she has clean antecedent. The learned Addl. P.P. submitted that the criminal antecedent of the petitioner has been mentioned in paragraph no. 64 of the case diary.

Having considered aforesaid including the facts and circumstances of the case, clean antecedent of the petitioner and civil nature of the dispute, let the above-named petitioner, be released on bail to the satisfaction of learned court concerned, within 30 days from date of receipt/production of the order, on furnishing bail bond of Rs. 10,000/-with two sureties of like amount each subject to the conditions as laid down in Section 482 of the B.N.S.S. with further conditions that (1) One of the bailors must be from the resident of the native place of the accused-petitioner, (2) The petitioner shall file an affidavit that she will not commit similar offence in future. (3) If at any stage of the case it is revealed to the court concerned that the petitioner has concealed her criminal antecedent to obtain bail, her bail bond shall be cancelled by the court concerned and (4) The petitioner shall fully cooperate in the investigation/trial of the case and shall be physically appear on each and every date till charge, failing which her bail bond may be cancelled.

(Dictated)

(Kshiprachala Anjalee)
Addl. Sessions Judge-II, Danapur.

