

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16494 of 2015

Arising Out of PS.Case No. -234 Year- 2014 Thana -GAURICHAK
District- PATNA

- =====
1. Smt. Dharamsheela Devi Wife of Surendra Kumar Singh
 2. Sheonath Mochi Son of Late Kunkun Mochi
 3. Binod Kumar Son of Shyam Babu Prasad All residents of Village - Abgila, P.S. - Gaurichak, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr. Amitesh Kumar (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 15-05-2015

Heard both sides.

The petitioners apprehend their arrest in Gaurichak P.S. Case no. 234 of 2014, registered for the offences punishable under Sections 420, 467, 468, 471, 120(B) of the Indian Penal Code.

The petitioners are purchaser and identifier of the sale-deeds executed by Devi Kuer, the Mausi (maternal aunt) of the informant. The informant alleged that Raghuvar Prasad Singh her grand maternal father gifted land to her mother and the name of the mother of the informant was mutated. The informant and her father have been coming in peaceful possession of the land but her

maternal aunt Devi Kuer having knowing all the facts executed the sale-deed in favour of Dharamsheela Devi (the petitioner).

On the other hand, the case of the petitioner is that Raghuvar Prasad Singh has got no authority to gift the property of his wife in the name of any of his daughter. Raghuvar Prasad Singh got five daughters. The land, in dispute, was standing in the name of Pachhiya Devi, the mother of the vendors. After death of Pachhiya Devi all the daughters of Pachhiya and Raghuvar Prasad Singh are entitled to get share. The informant filed title suit making prayer for setting aside the sale-deed.

Taking into consideration the facts that the vendor of the land is also one of the daughter of Raghuvar Prasad Singh and the distributed land was standing in the name of Pachhiya Devi, the wife of Raghuvar Prasad Singh. Raghuvar Prasad Singh had gifted the property in the name of one of his daughter (mother of the informant), with regard to the land standing in the name of his wife, Petitioner no. 1 is the descendent and 2 and 3 are identifier of the sale-deed. Earlier the dispute was of civil nature.

Considering the facts aforesaid, the petitioners above named in the event of their 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, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Gaurichak P.S. Case No. 234 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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