

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42109 of 2015

Arising Out of PS.Case No. -20 Year- 2015 Thana -UDWANTNAGAR District- BHOJPUR

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1. Rakesh Singh S/o Sri Tej Narayan Singh
 2. Anita Devi W/o Sri Rakesh Singh
 3. Tej Narayan Singh S/o Late Sheo Bansh Singh
All Resident of Village Sonaki Suhiya, Police Station Shahpur, District Bhojpur, At present Resident of Muhalla Majhaua, Bandh, Afimi Kothi, Police Station Ara Town, District Bhojpur at Ara.
 4. Brahmeshwar Singh @ Muni Singh S/o Sri Bishwanath Singh
 5. Lakshmina Devi @ Vijay Laxmi Devi W/o Sri Brahmeshwar Singh @ Muni Singh
 6. Raja Singh @ Raja Kumar Singh S/o Brahmeshwar Singh @ Muni Singh
Petitioner No. 4 to 6 are Resident of Village Masadh, Police Station Udwant Nagar, District Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramchandra Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kr. Singh(App)

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 13-10-2015 Heard the learned counsel for the petitioner and learned A.P.P. for the State.

The petitioners, namely, Rakesh Singh, Anita Devi, Tej Narayan singh, Brahmeshwar Singh @ Muni Singh, Lakshmina Devi @ Vijay Laxmi Devi and Raja Singh @ Raja Kumar Singh, who apprehend their arrest in Udwant Nagar P.S. Case No. 20 of 2015, arising out of Complaint Case No. 1853(C) of 2014 under Sections 341, 323, 354, 379, 406, 420, 465, 466, 468, 471/34 of the Indian Penal Code and 27 of the Arms Act.



According to the prosecution case, the own mother of the petitioner no. 2 has filed this complain case, which was subsequently registered as First Information Report, against the daughter of petitioner no. 2, her husband, petitioner no. 1 and other in-laws of the petitioner no. 2, alleging that with a view to grab the property of the husband of the complainant they have given a false genealogy before the Circle Officer.

Learned counsel for the petitioners submitted that in fact there is Partition Suit pending being Partition Suit No. 576 of 2014 for partition of the property and the complainant is trying to sale the property without giving any share to the petitioner no. 2. Learned counsel for the petitioners further submitted that because of this land dispute this false case has been lodged.

On the other hand, learned A.P.P. also submitted that from perusal of the First Information Report itself it is clear that there is land dispute between the parties.

Considering the nature of allegation, the relationship between the parties and that Partition Suit is pending, I direct the petitioners named above to surrender before the court below within six weeks from today and on their so surrendering, the court below is directed to release the petitioner on bail on furnishing bail bond of Rs. 5,000/- (Rupees five thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial

Magistrate, Bhojpur, Ara in connection with Udwantnagar P.S.
Case No. 20 of 2015 subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Mungeshwar Sahoo, J)

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