

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8668 of 2015

Arising Out of PS.Case No. -64 Year- 2014 Thana -KOPA District- SARAN

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1. Arif Hussain son of Zahid Hussain resident of Village- Daudpur,
District- Saran(Chhapra).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nilesh Kumar, Advocate.

For the Opposite Party/s : Mr. Arun Kr. Panday (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 04-03-2015 Heard both sides.

The petitioner apprehends his arrest in Kopa P.S. Case No. 64 of 2014, registered for the offences punishable under Sections 420, 465 and other Sections of the Indian Penal Code.

The complainant alleged that he was married to Ishrat Parveen the daughter of Amanullah Khan. Amanullah Khan was separate from his brother by meats and bounds. Amanullah Khan orally gifted his property in the name of his daughter Ishrat Parveen. It is further alleged that Ishrat Parveen filed Title Suit No. 286 of 2008 in the court of Sub-Judge 1st Patna and the defendants admitted the oral gift made in favour of the plaintiff. But Amir Khan who happens to be cousin of the Ishrat Parveen sold the property of her share in favour of Arif Hussain, the

petitioner.

Learned counsel for the petitioner submits that there is no partition between the Amanullah Khan and his brother. The lands are situated in the district of Saran, but the Title Suit was filed in the court of Sub-Judge 1st, Patna who has got no territorial jurisdictions. Ishrat Parveen made Javed Mahmood, Azizul Fatama and Amanullah Khan the defendants, but Amir Khan the first plaintiff was not made party. Amir Khan sold the land in favour of the petitioner which fell in his share. Moreover, the dispute is of civil nature.

Considering the facts aforesaid, the petitioner, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Saran at Chapra in connection with Kopa P.S. Case No. 64 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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