

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.56024 of 2015**

Arising Out of PS.Case No. -207 Year- 2015 Thana -KOTWALI District- PATNA

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1. Dr. Sheela Sharma wife of Dr. Janakdeo Prasad Sinha  
2. Dr. Rahul Janak Sinha @ Rahul Kumar  
3. Dr. Shantanu Sinha@ Dr. Shantanu Singh@ Shantanu Kumar both sons  
of Dr. Janakdeo Prasad Sinha All resident of House No. O/83, Doctor  
Colony, Kankarbagh, Police Station- Kankarbagh in the town and District  
of Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Smt. Prabha Sharma wife of Late Ram Shakha Singh House No. 7, Kitab  
Bhawan road, S.K. Puri North, Police Station S.K. Puri in the town and  
District of Patna.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar

For the Opposite Party/s : Mr. R.B.Roy Raman(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

4 15-12-2015 Heard learned counsels for the petitioner and the State.

The petitioners are apprehending arrest in a case  
registered for the offences punishable under Sections 448 and 379  
of the Indian Penal Code.

The prosecution case is that the petitioners trespassed in  
the property of the informant on 30.03.2015 in spite of restrain  
order passed in Title Suit No. 1957 of 2014 and thereafter the  
accused committed theft.

It is submitted by learned Senior Counsel for the  
petitioners that petitioner no.1 is the own sister of the informant  
whereas petitioner nos. 2 and 3 are the sons of petitioner no.1.  
Petitioner no.1 claims the property by virtue of gift deed executed



by the mother of the petitioner no.1 and informant in the year 1982 thereafter the property was mutated in the name of the petitioner no.1, though, the mutation case is still pending. Title Partition Suit No. 1957 of 2014 is also pending between the parties. On conclusion of the investigation, the final form was submitted but differing with the final form, cognizance has been taken and now the possession of part of the property in question has been given to the informant by the developer.

It is submitted by learned counsel for the informant that the deponent who swore the affidavit of the present petition on behalf of the petitioners has made a wrong statement in paragraph no.3 of the petition that the petitioners have no criminal antecedent, though this fact was pointed out on the last occasion by the counsel for the informant but thereafter a supplementary affidavit has been filed on behalf of the petitioners that petitioner no.1 and 2 are accused in Patrakar Nagar P.S. Case No. 951 of 2004 registered under Sections 341 and 323/34 of the IPC but it is submitted by learned counsel for the petitioners that the petitioners are under impression that on conclusion of the investigation, final form has been submitted whereas petitioner no.1 is also accused in one other case being Complaint Case No. 3581 of 2005. In both cases the petitioners are on bail. It is further submitted by learned counsel for the informant that the very gift deed in favour of the

petitioner no.1 is under cloud.

Considering the rival submissions of the parties, the relationship between the parties and nature of accusation levelled in the background of share dispute in ancestral property, let the above named petitioners be released on anticipatory bail on deposit of ₹5,000/- each before Legal Services Authority of Patna High Court for making incorrect statement in para 3 of the petition, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Patna in connection with Patna Kotwali P.S. Case No. 207 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The bail bonds of the petitioners shall be accepted by learned court below on filing separate affidavit by each petitioner before the learned court below to the effect that they will not interfere with the possession of the informant till the restrain order passed in Title Suit No. 1957 of 2014 is operative.

**(Dinesh Kumar Singh, J)**

Amrendra/-

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