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IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39296 of 2015

Arising Out of PS.Case No. -154 Year- 2015 Thana -NAWADAH COMPLAINT CASE District- NAWADA

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Surendra Singh, Son of Mahendra Singh, Resident of Village- Simribigha, P.S.- Warisaliganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shail Kumari Devi @ Shail Devi, Wife of Mahendra Singh, Resident of Village- Simribigha, P.S.- Warisaliganj, District- Nawada.

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Sheo Kumar Prasad
For the Opposite Party/s : Mr. Atul Chandra(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 07-12-2015 Heard both sides.

The petitioner apprehends his arrest in a case under Sections 467, 468, 471, 420, 120(B) of the Indian Penal Code.

The petitioner is the son of Mahendra Singh. The mother of the petitioner died. Thereafter, Mahendra Singh solemnized second marriage with one Shail Kumari Devi @ Shail Devi. It is alleged that the father of Mahendra Singh executed a deed of Bakshishnama in favour of the complainant while the petitioner was a minor. The complainant filed Title Suit No. 48/75. While the petitioner was a minor, the complainant got a decree. When the petitioner became major, the petitioner filed Partition Suit No. 99/2007 and the same was decreed holding that the petitioner is also entitled to get $1/12^{th}$ share in the ancestral

property. The petitioner filed a First Appeal. It is submitted that no final decree is prepared. The petitioner has got definite but undefined share in the ancestral property. Takhtabandi is yet to be done. In the meantime, the petitioner is said to have executed a sale deed.

The dispute, on the face of it, appears to be of civil nature.

Considering the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned 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 Chief Judicial Magistrate, Nawada in Complaint Case No. 154/2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

Dilip/-

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