

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6277 of 2016

Arising Out of PS.Case No. -781 Year- 2013 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Ishwari Prasad Son of Late Bhaiya Ram Sah,
 2. Dipak Kumar Prasad @ Dipak Prasad,
 3. Suraj Kumar Prasad, Both Son of Ishwari Prasad,
 4. Parash Prasad, Son of Late Nathu Singh, All resident of village Sapahi,
P.S. – Turkawaliya, District –East Champaran
 5. Shivjee Prasad, Son of Dukhit Sah, R/O Shankar Saraiya, P.S. –
Turkawaliya, District – East Champaran.

.... Petitioners

Versus

1. The State of Bihar
2. Bairo Prasad, Son of Late Darbilal Sah, R/O Village Sankar Saraiya,
Tola Kalwari, P.S. Turkawaliya, District – East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioners : Mr. Dhannjay Kumar No 2, Advocate.

For the Opposite Parties : Mr. Kumar Veerendra Narayan(App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 04-08-2016 Heard both sides.

The petitioners apprehend their arrest in Complaint Case No. 781 of 2013, corresponding to Trial No. 7101 of 2014 registered for the offences punishable under Sections 420, 467, 468, 471 and 120B of the Indian Penal Code.

The complainant alleged that he purchased piece of lands from Maiya Ram in the year 29.07.1983, 22.09.1993 and 29.08.1993 and they came in possession, but Ishwari Prasad petitioner no. 1 executed the sale deed in favour of his son with regard to the same land.



Learned counsel for the petitioners submits that Maiya Ram was father-in-law of Bhairo Prasad, the complainant and Ishwari Prasad is the son of Maiya Ram. The first wife of Maiya Ram was Gyani Devi and the aforesaid lands were standing in the name of Gyani Devi as she purchased the lands. After death of Gyani Devi her son Ishwari Prasad and two daughters out of whom one is wife of Bhairo Prasad and another would get share. Maiya Ram being the husband is not entitled to get any share in the land of Gyani Devi. The petitioner executed the sale deed with regard to his another share in favour of his sons.

Learned counsel for the opposite party no. 2, however, vehemently opposed the prayer for anticipatory bail of the petitioners and submitted that unless the sale deed executed by Maiya Ram be declared null and void Ishwari Prasad is not entitled to execute any sale deed.

It appears that the dispute is of civil nature as Maiya Ram is not at all entitled to get any share from the property of his wife who got one son and two daughters and for that there is a dispute between the parties. The complainant is husband of one of the daughters of Gyani Devi and Ishwari Prasad is son of Gyani Devi.

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 the Additional Chief Judicial Magistrate-8, Motihari at East Champaran in in Complaint Case No. 781 of 2013, corresponding to Trial No. 7101 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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