

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5013 of 2016

Arising Out of PS.Case No. -246 Year- 2013 Thana -COMPLAINT CASE District- JAMUI

- =====
1. Shukar Sharma
 2. Rameshwar Sharma
 3. Bhojal Sharma

All are sons of Bhagalu Sharma, resident of petitioner no. 1- Sono, P.S. Sono, Dist- Jamui, petitioner no. 2 and 3 are resident of Village Agahara Chapri, P.S. – Sono, District – Jamui.

.... Petitioner/s

Versus

1. State of Bihar
2. Tuntun Mistry@Tuntun Sharma, Son of Late Birchi Sharma, resident of village – Mahuli, P.S- Khaira, Dist – Jamui.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar
For the Opposite Party/s : Mr. Madan Kumar(App)

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 03-03-2016 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

The petitioners are apprehending their arrest in connection with Complaint Case No. 246(C) of 2013, registered for offences punishable under Sections 420, 467, 468, 120 (B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioners are co-sharers of the land belonging to the complainant Tuntun Mistry @ Tuntun Sharma, who is alleging that these petitioners being co-sharers had sold certain lands to Kailash Mistry and Bishundeo Mistry. It is further submitted that actually the shares so sold by these petitioners belonged to them and not to the complainant. It is further submitted that if at all there was any such sale deed then the appropriate remedy lay in getting the same

repudiated in the Court of competent jurisdiction after having their title decided. Learned counsel for the petitioners submits that dispute is purely of civil nature, the petitioners may not be proceeded against in the present case.

Considering the nature of allegation made against the present petitioners and that the only allegation against them is that they had executed a sale deed of the land in which the petitioners are co-sharers with the complainant and also that two other similarly situated persons have been extended the privilege of anticipatory bail by this Court in Criminal Miscellaneous No. 12132 of 2015 vide order dated 09.07.2015, let 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, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri U.K. Pandey, J.M. Ist Class, Jamui in connection with Complaint Case No. 246(C) of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjana Mishra, J)

sunil/-

U		T	
---	--	---	--