

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22815 of 2016

Arising Out of PS.Case No. -123 Year- 2015 Thana -SHEKHPURA COMPLAINT CASE District-
SEKHPURA

- =====
1. Sri Kant Singh S/o Late Bachchu Singh
 2. Brajesh Singh, S/o Late Bachchu Singh
- Both Residents of Village- Barma, P.S.- Sheikhpura,
District- Sheikhpura.

.... Petitioners

Versus

1. The State of Bihar
2. Shyam Kishore Prasad Singh, S/o Gauri Shankar Prasad Singh,
Resident of Village-Orhanpur, P. S.-Mufasil, Dist-Nawada, at present
Village-Barma, P.S. + Dist-Sheikhpura.

.... Opposite Parties

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Appearance:

For the Petitioners : Mr. Devendra Prasad Singh

For the Opposite Parties : Mr. Abhay Kumar Roy

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 02-08-2016

Heard both sides.

The petitioners, namely, Sri Kant Singh and Brajesh Singh, apprehend their arrest in Complaint Case No. 123C of 2015 under Sections 467, 468 and 420 of the Indian Penal Code.

The complainant alleged that he filed Title Suit No. 25 of 1994 which was decreed in favour of the complainant and the complainant got 1/4th shares in the land of Khata No. 23, Kheshra No. 1043, Area 28 decimal and Khata No. 23, Kheshra No. 972, Area 13-1/3 decimals. But both the accused persons sold the entire land of Khata No. 23, Kheshra No. 1043, Area 28 decimals and Khata No. 23, Kheshra No. 972, Area 13-1/3 decimals including the shares of the complainant.

Learned counsel for the petitioners submits that the petitioners have filed First Appeal in the Court below disputing the shares of the complainant. It is further submitted that the petitioners have sold the land under RSP No. 1043 and RSP No. 972, but they did not sale any further land and the shares of the complainant would be adjusted from the land falling in the name of the petitioners. On such, learned counsel for the complainant submits that if the petitioners do not sale any land in future, the complainant has got no objection.

Considering the facts aforesaid and the undertaking given by the petitioners, the above named petitioners, in the event of their 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 anticipatory 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 learned Additional Chief Judicial Magistrate, Sheikhpura in Complaint Case No. 123(C) of 2015, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

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