

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46622 of 2016

Arising Out of PS.Case No. -198 Year- 2016 Thana -SHIVSAGAR District- SASARAM
(ROHTAS)

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1. Sumeshwar Singh, Son of Late Ram Brit Singh,
2. Krishna Singh Son of Ram Chandra Singh. Both are resident of Village-
Bamhour, P.S. Shiv Sagar, District- Rohtas.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rana Pratap Singh, Adv.

For the Opposite Party/s : Mrs. Gulnar Begam, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 02-12-2016 Heard both sides.

The petitioners apprehend their arrest in Shiv Sagar P.S.
Case No. 198/2016, registered for the offences punishable under
Sections 386, 427, 354(A) and other sections of the Indian Penal
Code.

Radhika Devi the informant alleged that her father died
leaving behind two daughters and the informant and her sister got
the share of the land of informant was being ploughed by Saroj
Kahar the driver of the tractor, but the petitioners and others came
and Babloo Singh assaulted Saroj Kahar with Farsa on his right
leg. Krishna Singh also assaulted the driver with lathi on his head.
Krishna Singh caught her (informant) hair and put her down on the



ground. Sanjay Singh assaulted Kamla Kant Singh (husband of the informant). Sumeshwar Singh snatched chain from the possession of the informant.

Learned counsel for the petitioners submits that petitioner no. 1 Sumeshwar Singh and Bali Ram Singh are the sons of Ram Brit Singh. Ram Brit Singh got one son namely, Chhathu Singh from his first wife and two sons namely, Sumeshwar Singh petitioner no. 1 and Bali Ram Singh from second wife. Chhathu Singh died leaving behind two daughter and widow in the year 2002. Munni Devi widow of Chhathu Singh executed a deed of 'Will' in favour of Sumeshwar Singh petitioner no. 1 and Bali Ram Singh. Sumeshwar Singh and Bali Ram Singh filed probate case for grant of letter of administration in the court of District & Sessions Judge, Sasaram and on account of this dispute, daughter of Chhathu Singh filed this case making false and frivolous allegation of assault. Saroj Kahar driver of the tractor got one injury which is attributed to Babloo Singh. Of course, it appears that the informant is niece of Sumeshwar Singh petitioner no. 1, the mother of informant is said to have executed 'Will' with regard to entire property of Chhathu Singh in favour of petitioner and Bali Ram Singh and that appears to be the bone of contention. After death of Chhathu Singh his both daughters got



share equal to that of her mother in the property of their father, but the mother executed deed of 'Will' with regard to entire property in favour of petitioners and others.

Considering the facts aforesaid and nature of allegation made against the petitioners, they are 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, 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 Chief Judicial Magistrate, Rohtas at Sasaram in connection with Shiv Sagar P.S. Case No. 198/2016, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Jha, J.)

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