

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.140 of 2016

Arising Out of PS.Case No. -174 Year- 2015 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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1. Mridula Pal @ Mridula Devi W/o Late Murlidhar Prasad @ Murlidhar Prasad Gupta R/o Village- Vidyapati Nagar, P.S.- Saharsha, District- Saharsha

.... Petitioner/s

Versus

1. The State of Bihar
2. Bharat Sah @ Bharat Pd. Gupta s/o Late Saryug Sah R/o Vill.- Hanuman Nagar, P.S.- Beldaur, District- Khagaria

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 06-01-2016 Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 341, 37, 420/34 of the Indian Penal Code.

The prosecution case is that on 15.07.2000 the entire ancestral property of the complainant was partitioned amongst his six brothers and they came into possession of their respective shares and their share of property mutated in their respective names. It is alleged that petitioner on 26.12.2014 executed a sale deed with regard to eight and half katha of complainant's share of land appertaining to plot no. 410 and

further on 01.03.2015 the accused persons started to loot away mustard crop of the complainant. On protest being made, they assaulted the complainant, when co-accused Bindeshwari Sah took away Rs.10,000/- from his pocket.

It is submitted by the learned counsel for the petitioner that petitioner is the wife of Murlidhar Prasad, one of the brother of the complainant and the Land Possession Certificate has been brought on record as Annexure-4, which suggests that the plot no. 410 to the extent of eight and half katha were in possession of the sons of the petitioner. Hence, the petitioner has sold her share of the land.

Considering the nature of accusation arising out of the share dispute between the parties, let the above named petitioner be released on bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Complaint Case No. 174(C) of 2015, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Dinesh Kumar Singh, J)

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