

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20238 of 2016

Arising Out of PS.Case No. -55 Year- 2015 Thana -BARHARIA District- SIWAN

- =====
1. Jitendra Pandey @ Jitendra Kumar Pandey
 2. Tara Devi @ Smt. Tara Devi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Tiwary

For the Opposite Party/s : Mr. Md. Aslam Ansari (App)

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 09-05-2016

Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 420, 465, 467, 468, 471, 323, 504, 506, 120B of the Indian Penal Code.

The prosecution case is that the informant's grand father died leaving behind four sons. After the death of grand father of informant, the partition was made among four brothers wherein half share of land appertaining to Khata No. 55, survey plot No. 715, 716, total area 6 Katha 3 dhurs, came in the share of the father of informant and half share came in the uncle of informant, Rangila Pandey. It is further alleged that the informant and witnesses used to take care of Rangila Pandey and, hence, Rangila Pandey transferred his share through registered sale deed dated 02.12.1994 in favour of the informant and informant came in



possession of the same. It is further alleged that on 31.08.2014 petitioner No.2, Tara Devi, and co-accused, Pramod Dubey, started making construction on the land in question then the informant came with his family members and enquired about the matter and came to know that one Katha and 7 dhurs of land has been transferred by petitioner No.1, Jitendra Pandey in their favour. Thereafter, the informant procured the copy of sale deed which suggested that petitioner No.1 executed sale deed in favour of Amod Dubey and petitioner No.2 whereafter Panchayati was made but the sale deed was not cancelled.

It is submitted by the learned counsel for the petitioners that, admittedly, as per admission of the informant, the grand father of informant had four sons, Rangila Pandey Nagina Pandey, Ramayan Pandey and Janardan Pandey. Petitioner No.1, Jitendra Pandey is son of Ramayan Pandey, uncle of the informant. It is submitted that petitioner No.1 executed the sale deed with regard to his own share of the property whereas petitioner No.2 is bonafide purchaser.

Considering that the accusation being levelled in the background of civil dispute, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand)

with two sureties of the like amount each to the satisfaction of learned CJM, Siwan in connection with Barharia P.S. Case No. 55 of 2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.



(Dinesh Kumar Singh, J)

BKS/-

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