

Arising out of P.S. Case No. - 1201 Year - 2012 Thana - WEST CHAMPARAN COMPLAINT
District - WESTCHAMPARAN (BETTIAH)

Versus

- Opposite Parties

For the Petitioner : Mr. Vijay Kr. Singh No. 1, Advocate
For the Opposite Parties : Mr. Shyam Bihari Singh, A.P.P.

Heard both sides.

The complainant alleged that Ramjit Bhagat had two sons, namely, Kailash Prasad and Vishwanath Prasad (petitioner). Complainant is the wife of Late Kailash Prasad and accused is Vishwanath Prasad, second son of Ramjit Bhagat and own brother of Kailash Prasad. The complainant further alleged that in the year 1975, there was Khista partition by Ramjit Bhagat with regard to the land situated in the village and the partition bears the signature

of Ramjit Bhagat and his two sons, but forged Khista partition deed was prepared with regard to the property of village Jarar which was exclusively acquired by Kailash Prasad, the husband of the complainant.

It is submitted that no forged deed is produced. Proceeding under Section 144 of the Code of Civil Procedure was initiated and the complainant filed mutation case in which the petitioner made protest. Dispute is of pure civil. It is no where alleged that who forged the deeds rather petitioner claims partition of the entire property and the complainant tried to grab the lands on the assertions that the properties itself acquired properties.

On the other hand, learned counsel for the complainant opposed the prayer for anticipatory bail.

It appears that the complainant is own sister-in-law (Bhabhi) of the petitioner and she claimed that some lands exclusively acquired by her husband and sons which was made subject matter of the Khista partition deed prepared by the petitioner, but no such deed is produced.

Considering that the dispute is of civil nature, the petitioner above named, in the event of his 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, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate- 1st Class, Bagaha, West Champaran in connection with Complaint Case No. C-1201 of 2012 (Tr. No. 2842 of 2015), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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