

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25077 of 2016

Arising Out of PS.Case No. -240 Year- 2013 Thana -DHAKA District-
EASTCHAMPARAN(MOTIHARI)

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1. Daya Shankar Singh, Son of Late Udai Bahadur Singh,
2. Rabindra Prasad Yadav @ Rabindra Yadav, Son of Shyamsundar Rai
both are resident of Village- Kolashi, P.S.- Chiraiya, District- East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Dr. Vijay Kumar Singh, Son of Late Rampdarth Singh Resident of
Village- Kharatari, P.S.- Chiraiya, District- Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the State : Mr. S.Dayal (APP)
For the Informant : Mr. Monaj Kumar Singh.

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

7 25-11-2016 Heard learned counsel for the petitioners

and learned counsel appearing on behalf of the

Informant and learned counsel appearing on behalf

of the State.

The petitioners apprehend their arrest in
connection with Dhaka P.S. Case no. 240 of 2013 for
the offences registered under Sections 420, 467, 468
and 471 of the Indian Penal Code.

Learned counsel for the petitioners submits
that the entire property is a joint family property and

therefore, petitioners being the co-sharers have sold the land in question.

Learned counsel appearing on behalf of the informant submits that the land which has been sold by the petitioners was not joint family property rather the same was purchased by their father and had not devolved into their branch of the family from their ancestors as is being asserted by the petitioners. He further submits that in order to repudiate the said deed the informant has already filed a title suit for cancellation of the sale deed made by the petitioners.

After perusing the facts and circumstances of the case, it appears that the said property, according to them have devolved upon them from their ancestors which were common with that of the informant. However, their case stands seriously disputed by the informant.

In view of such facts and circumstances of the case and there being a civil dispute between the parties, let the petitioners, above named, 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, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of S.D.J.M., Sikrahna, Dhaka in connection with Dhaka P.S. Case No. 240 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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