

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26989 of 2017

Arising Out of PS.Case No. -176 Year- 2015 Thana -AURAI District- MUZAFFARPUR

=====

1. Abdul Kalam,
2. Md. Kadas @ Md. Kudus,
3. Imtiyaj @ Md. Imtiyaz, All sons of late Md. Rafiq.
4. Bibi Shahar Bano @ Shahar Bano W/o Md. Sahid,
All Resident of Village- Rajkhand Tole Yogiya, P.S.- Aurai, District-
Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh

For the Opposite Party/s : Mr. Sri Ajit Kumar

=====

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with a case registered for the offences punishable under Sections 406/420/467/468/504/506/34 of the Indian Penal Code.

The allegation against these petitioners is that they had deprived the informant of his valid share on the basis of an oral partition and he got no share in the said partition. When the informant came to know about the same, he filed a partition suit bearing Partition Suit No. 231 of 2011 which is pending



adjudication. However, the allegation is that the petitioners are now threatening the informant and, therefore, he has filed the present case.

Learned counsel for the petitioners submits that the case is purely of civil nature and the rights of the parties can well be determined in the partition suit which is pending before the Court. It is, thus, submitted by the petitioners that there is pending disposal of the partition suit, the informant has no case.

In view of the facts that the dispute is purely a family dispute between the parties and that the partition suit is yet pending adjudication and that these petitioners have got no criminal antecedent, let the petitioners above named, in the event of their arrest / surrender within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged 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 the learned Judicial Magistrate, 1st Class, Muzaffarpur, in



connection with Aurai P.S. Case No. 176/2015
subject to the conditions as laid down under Section
438(2) of the Cr. P.C.

(Anjana Mishra, J)

Saif/-

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

