

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55521 of 2017

Arising Out of PS.Case No. -1260 Year- 2015 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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1. Anil Kumar Sharma, S/o Late Kamaldev Mistri, R/o Village- Teldiha,
P.S.- Tikapatti, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. Most. Sudha Devi, W/o Late Kamaldev Mistri, R/o Village- Teldiha,
P.S.- Tikapatti, District- Purnea. Presently R/o Village- Gharai, P.s.-
Mirganj, District- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Shailesh Kumar, Adv.
For the Opposite Parties : Mr. Satya Nand Shukla, APP 130

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 12-12-2017 Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 1260 of 2015 registered under Sections 323, 379, 420,
467, 468, 504 and 120 of the Indian Penal Code.

The complainant is the mother of the petitioner. The
complainant alleged that the petitioner got the lands mutated in his
name and in the name of his brother showing the complainant
dead.

The learned counsel for the petitioner submits that
the true facts are that there was Panchayati for partition of the
properties. The petitioner and his brothers along with their
mother, Sudha Devi, the complainant, put their signatures and
thumb impression on the partition deed. On the partition
document other witnesses have also put their signatures. On the
basis of the aforesaid partitioned document, names were mutated.



The mother filed mutation appeal, which was allowed and the case was remitted to the Circle Officer to hear and pass order, afresh, in accordance with law. It appears that the dispute is of civil nature. The petitioner is non-else than the son of the complainant.

Considering the facts, aforesaid, the petitioner, in the event of his arrest or surrender, within four weeks from the date of receipt of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with **Complaint Case No. 1260 of 2015** to the satisfaction of **Chief Judicial Magistrate, Purnia**, or successor Court, subject to the condition laid down under Section 438(2) of the Criminal Procedure Code.

(Prabhat Kumar Jha, J)

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