

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53602 of 2017

Arising Out of PS. Case No.-52 Year-2017 Thana- ISHOPUR District- Bhagalpur

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1. Kanhaiya Kumar Soni @ Kanhaiya Soni
 2. Anil Kumar @ Anil Kumar Soni, both sons of late Ganesh Pd. Soni
 3. Shiv Kumari Devi, wife of late Ganesh Prasad Soni
 4. Shiv Shankar Soni, son of late Badri Prasad, all resident of village-
Barahat, P.S. Ishipur Barahat, District- Bhagalpur Petitioner/s
- Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 09-11-2017 Heard learned counsel for the petitioners and learned
counsel appearing for the State.

The petitioners are apprehending arrest in connection with
Ishipur Barahat P.S. Case No. 52 of 2017 for offences under
Sections 420, 467, 468 and 471 of the Indian Penal Code.

The allegation against the petitioner, as per the first
information report, is that the petitioners have got the land of the
informant mutated in the name of their mother, Shiv Kumari
Devi, who is petitioner No. 3 of this case.

Counsel for the petitioners has drawn the attention of the
Court to para-8 of the application, where the genealogical table
of the family is mentioned, to indicate that the informant and the
petitioners are descendants of the common ancestor, Bishwanath
Prasad. From the tenor of the fardbeyan it appears that there is



dispute of civil nature pertaining to the share of the parties.

The grievance of the informant is with regard to mutation of certain land in favour of petitioner no. 3 for which remedy is available under the Mutation Law. The other allegation is that petitioners' side would transfer the property and for that apprehension the fardbeyan was lodged by the informant.

Considering the fact that the petitioners and the informant belongs to the same common ancestor, there is land dispute on account of which there is claim and counter claim by the parties over the land in question and the fact that the petitioners have no criminal antecedent, let the petitioners, above named, in the event of arrest or surrender within four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate-VIII, Bhagalpur, in connection with Ishipur Barahat P. S. Case No. 52 of 2017, G.R. No. 3031 of 2017, subject to the conditions as laid down under Section 438(2) Cr. P. C.

(Anil Kumar Upadhyay, J)

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