

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44209 of 2017

Arising Out of PS.Case No. -191 Year- 2016 Thana -SHIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Awanish Kumar Chaubey @ Pappu Chaubey,
2. Devendra Kumar Chaubey @ Gappu Chaubey,
3. Shailendra Kumar Chaubey @ Chhotan Chaubey, All sons of Panchdeo Chaubey, All residents of Village- Musharwa, Police Station- Sathi, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ritesh Kumar Chaubey, Son of Late Murlidhar Chaubey, Resident of Village- Mushaharwa, Police Station- Sathi, District- West Champaran at Bettiah.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar Singh

For the Opposite Party/s : Mr. Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 09-11-2017 Heard both sides.

The petitioners apprehend their arrest in Shikarpur P.S.

Case No.191 of 2016 under Sections 420, 467, 468, 471, 506, 384,
387 of the Indian Penal Code.

The informant filed complaint case on the basis of which the present F.I.R. was lodged. The informant alleged that Panchdeo Chaubey, accused No.1 had five brothers and there was partition among all the five brothers in the year 1992. The lands of Plot No.829 of Khata No.136 fell in the share of the father of the informant but Panchdeo Chaubey has executed four rehan deeds.



Similarly, the lands of plot No.703, Khata No.5 also fell in the share of the father of the informant but Panchdeo Chaubey, the accused No.1 has executed forged deed knowing that the same land falling in the share of the father of the informant.

The learned counsel for the petitioners submits that Ramakant Chaubey, the brother of Panchdeo Chaubey filed a petition under R.T.I. Act(Annexure-2) before Circle Officer and the Circle Officer reported that Plot No.703 did not fall in his share. The original partition document is not brought on record. There was no partition by metes and bounds. The petitioners are the sons of Panchdeo Chaubey and there is no allegation against the petitioners that they executed any sale deed. Only allegation that the petitioners pointed out guns at the informant when the informant was ploughing the land.

It appears that the dispute among the brothers are purely civil in nature.

Considering the facts aforesaid and the nature of allegation made against the petitioners, the petitioners, above named, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order are directed to 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 learned Chief Judicial Magistrate, West Champaran at Bettiah in connection with Shikarpur P.S. Case No.191 of 2016, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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