

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26101 of 2018

Arising Out of PS.Case No. -107 Year- 2017 Thana -KANHAULI District- SITAMARHI

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1. Raj Kishore Sah, son of Late Rajendra Sah, Resident of Arariya, Police Station- Kanhauli, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Prasad Singh

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

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 07-05-2018

Heard both sides.

The petitioner apprehends his arrest in Kanhauli P.S. case No. 107 of 2017 for the offences punishable under Section 341, 323, 307, 420 and 406 of the Indian Penal Code.

The informant alleged that land of two brothers, informant and petitioner, of Khata No. 695, Khesra No. 933, area 2 decimal, land of Khata No. 366, Khesra No. 934, area 3 decimal and land of Khata No. 695, Khesra No. 1549 area 24 decimal were acquired for widening of N.H. 77 but the petitioner withdrew the entire amount and did not hand over the share of compensation amount to the informant and when the informant went to demand money, the petitioner is said to have assaulted the informant with an intention to kill.



The learned counsel for the petitioner submits that there is partition between two brothers. The land of petitioner was acquired.

It appears that there is bonafide dispute between two brothers with regard to partition and in a criminal case this dispute cannot be resolved. The dispute appears to be out and out a civil dispute.

Considering the facts aforesaid and the nature of allegation made against the petitioner, the petitioner above named in the event of his 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 is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Sitamarhi in connection with Kanhauli P.S. case No. 107 of 2017, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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