

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.35667 of 2018**

Arising Out of PS. Case No.-33 Year-2016 Thana- WEST CHAMPARAN COMPLAINT  
District- West Champaran

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1. Biran Patel @ Biran Kurmi, Son of Late Nandlal Patel,
  2. Lorik Patel @ Lorik, Son of Late Nandlal Patel,
  3. Binda Patel @ Vinda Patel @ Vindra Kurmi, Son of Late Nandlal Patel,
  4. Jayshri Kharwar, Son of Ganesah Kharwar, All residents of Village- Bhuidharawa, Police Station- Thakaraha (Bhitaha), District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Yogendra Patel, Son of Nan Patel, resident of Village- Bhuidharawa, Police Station- Thakaraha (Bhitahan), District- West Champaran.

... .. Opposite Party/s

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**Appearance :**

|                          |   |                                      |
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| For the Petitioner/s     | : | Mr. Milind Kumar Mishra, Advocate    |
| For the Opposite Party/s | : | Mr. Sri Suresh Prasad Singh, APP 230 |
| For the Complainant      | : | Mr. Vijay Kumar Singh No.1, Advocate |

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

5      27-11-2018                      Heard learned counsel for the petitioners and learned  
APP for the State.

The petitioners are apprehending their arrest in connection with Complaint Case No.C33 of 2016 filed for the offences punishable under Sections 420, 467 and 468 of the Indian Penal Code.

It has been informed on behalf of learned counsel for the petitioners that petitioner No.3, *Binda Patel @ Vinda Patel @ Vindra Kurmi* is already dead now. Hence, his prayer for anticipatory bail has become infructuous.



Allegation is that the petitioners had executed sale deed in respect of the land of the complainant. Both sides are descendants of common ancestor, *Khushi*, which would be evident from the genealogical table at Annexure 2 to the supplementary affidavit.

Submission is that there is no document of partition between the parties. Apparently, the matter is of civil dispute.

Learned counsel for the complainant opposed the prayer for anticipatory bail on the ground that separate *Jamabandi* has already been created at the time of survey, which shows that the properties were already partitioned and the transferred land falls in the share of the ancestor of the complainant.

It appears that the petitioners were allowed provisional bail by order dated 29.06.2018 and notice was issued to the informant.

After hearing the parties and considering the nature of dispute, in my view, the remaining petitioners i.e. petitioner No.1, *Biran Patel @ Biran Kurmi*, petitioner No.2, *Lorik Patel @ Lorik* and petitioner No.4, *Jayshri Kharwar* deserve anticipatory bail. Hence, provisional bail is confirmed.

**(Birendra Kumar, J)**

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