

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17112 of 2018

Arising Out of PS.Case No. -1361 Year- 2016 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

- =====
1. Sitaram Prasad, son of Late Ganauri Mahto.
 2. Bisheshwar Dayal, son of Late Ganauri Mahto.
 3. Binod Bhushan Prasad, son of Late Ganauri Mahto.
 4. Raghunandan Prasad, son of Late Parmeshwar Mahto.
 5. Ramawtar Prasad, son of Kailash Mahto, All Resident of Village-
Jamuara, P.S.- Narhat, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Dinesh Prasad, Son of Late Anant Prasad @ Anant Prasad Mehta,
Resident of Village- Jamuara, P.S.- Narhat, District- Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bharat Lal

For the Opposite Party/s : Mr. Anand Kishore Choudhary

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 10-04-2018 Heard the learned counsel for the petitioners as well as
the learned A.P.P. for the State.

In this application for anticipatory bail the petitioners apprehend their arrest in connection with Complaint Case No. 1361 of 2016/ C.R. No. 1563 of 2016 for the offences punishable under sections 420, 467, 468, 323 and 504 of the I.P.C.

Allegedly, the petitioners got prepared a schedule of partition after getting the signatures of relations and punches on 28.04.2004, 18.01.2011 and 08.07.2013 showing share of Late Kailash Mahto which has already been sold and thereafter on the



basis of the said partition schedule the petitioners got opened the demand illegally in their favour under the conspiracy of Halka Karamchari Narendra Kumar and Sampurnanand to grab the share of the complainant's wife.

Submission is of false implication and that these petitioners have got no concern with the land of the complainant, there is land dispute relating to other lands, Title suit No. 28 of 2011 was decided in favour of the petitioners by the court of the learned Sub. Judge 1st, Nawada on 06.12.2016 and when the complainant came to know regarding the decree, the instant complaint was filed on 22.12.2016, the dispute is purely of civil nature and as such the petitioners deserve sympathetic consideration.

The learned counsel for the complainant opposes prayer for pre-arrest bail of the petitioners by submitting that the petitioners with a view to grab the land of the complainant's wife and the complainant's father got prepared the partition schedule illegally and on that basis got opened the demand in their names.

In the facts and circumstances stated above, it reveals that there is land dispute between the parties and it is a case of civil dispute and as such the petitioners, in case of their arrest or surrender within a period of four weeks from the date of



receipt/production of a copy of this order, shall be released 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 A.C.J.M-VI, Nawada in connection with the aforementioned case, subject to the condition as laid down under section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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