

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53374 of 2018

Arising Out of PS. Case No.-412 Year-2018 Thana- MOHANIYA District- Bhabhua (Kaimur)

1. Rita Devi, W/o Kamta Lal Srivastava @ Kamta Pd. Srivastava,
2. Janakdulari Kunwar Late Shyama Charan Srivastava,
3. Kamta Prasad Srivastava @ Kamta Lal Srivastava, S/o Late Ugrahlal Srivastava, All R/o Mohania, Ward No. 12, P.S.- Mohania, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan
For the Opposite Party/s : Mr. Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 12-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Mohania P.S. Case no. 412 of 2018, registered under Sections 341, 448, 323, 420, 467, 468, 471, 504/34 of the Indian Penal Code.

Petitioners are said to have sold out the share of the informant which she had been allowed vide partition Title Suit No. 84/95 and on protest she was assaulted and extended threatening of dire consequences.

It is submitted by the learned counsel for the petitioners that decree of the aforesaid title suit by which the



informant is said to have got the disputed share of the property is sub judice as S.A. No. 496/11 regarding the aforesaid property is pending in this Court and if the petitioners sale out the share of the informant to some other person during the pendency of the case. Then it will be barred by lis pendens. It is also submitted that it is purely a case of civil nature.

In the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, 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, Kaimur at Bhabhua in connection with Mohania P.S. Case no. 412 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Prakash Chandra Jaiswal, J)

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