

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45914 of 2018

Arising Out of PS. Case No.-1751 Year-2016 Thana- WEST CHAMPARAN COMPLAINT
District- West Champaran

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1. Mostt. Buna Kuwar W/o Late Shambhu Mahato
 2. Rampravesh Mahato S/o Late Shambhu Mahato
 3. Birbal Mahato S/o Late Suraj Mahato

All residents of Village Semuapur, PS Chanpatia, District West Champaran

4. Amar Thakur S/o Late Nandu Thakur, resident of Vilalge Meghiya, PS Chanpatia, District West Champaran

... .. Petitioner/s

Versus

1. State Of Bihar
2. Bhola Mahato S/o Late Bhagwat Mahato, resident of Village Maghiya Khargaulia, PS Chanpatia, District West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar
For the Opposite Party/s : Mr. Sri Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 11-12-2018 Heard learned counsel for the petitioners, learned counsel for the State and learned counsel representing the informant.

The petitioners are apprehending their arrest in connection with Complaint Case No. 1791-C/2016 (Tr. No. 1056/2018) for offences under Sections 147, 149, 420, 467, 468, 471, 323, 341 and 504 of the Indian Penal Code.

Learned counsel for the petitioners submits that in partition, the joint family property was partitioned. After



allocation of share, petitioner no.1 Mostt. Buna Kunwar, widow of Late Shambhu Mahato acquired right, title and possession over the land allocated to the branch of Shambhu Mahato. After partition, out of 7 decimals land 4 decimal was transferred in favour of the informant and thereafter when 3 decimals land was transferred by petitioner no. 1 in favour of petitioner no. 4 objection has been raised by the informant and the present case has been filed.

Considering the nature of dispute involved as to the share of the joint family property and its alienation, the Court is of the considered view that the petitioners named above deserve privilege of anticipatory bail and in the event of arrest or surrender before the court below within one month from today, they are directed to 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 Addl. Chief Judicial Magistrate, Bettiah, West Champaran in connection with Complaint Case No. 1791-C/2016 (Tr. No. 1056/2018) subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

However, grant of bail will not cause prejudice to the informant if appropriate relief is sought for by the informant in



appropriate forum challenging the right, title and possession of
the petitioners.

(Anil Kumar Upadhyay, J)

mrl./-

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