

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (U/S) No.5 of 2019

In
CRIMINAL APPEAL (SJ) No.145 of 2019

Arising Out of PS. Case No.-449 Year-2015 Thana- JEHANABAD COMPLAINT CASE
District- Jehanabad

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RAJESH PRASAD @ RAJESH KUMAR, aged about 40 years, Son of Late Shri Mathura Prasad R/o Mallahchak, Pani Tanki, P.O-Jehanabad, P.S-Jehanabad, Dist.-Jehanabad, Bihar

... .. Appellant

Versus

1. The State of Bihar
2. M/S Mahavir Dal Mill, Proprietor, Shri Vikash Kumar, Son of Shri Mathura Prasad at Raja Bazar, PO, PS and Dist.-Jehanabad, Bihar
3. Vikash Kumar Son of Shri Mathura Prasad, aged about 35 years, R/o Mohalla-Mallahchak, Pani Tanki, PO, PS and Dist.-Jehanabad,

... .. Respondents

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Appearance :

For the Appellant/s : Mr. Abhishek Krishna Gupta, Adv.
For the Respondent/s : Mr. Syed Ashfaq Ahmad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

9 23-09-2019 Heard learned counsel for the appellant as well as
learned A.P.P.

Gone through the relevant documents.

Appellant, who happens to be full brother of the respondent Vikash Kumar and further, the establishment M/s Mahavir Dal Mill is joint family property and the status of Vikash Kumar so recognized under the complaint petition as a proprietor of the aforesaid Dal Mill has completely been negatived under the partition suit having been filed on behalf of the appellant, which in due course of time apart from having the



case fixed for ex-parte hearing and, even after appearance of the defendant, they were debarred from filing written statement and then, left due to Pairvi, allowed the partition suit to die on account of non-appearance just to have some additional support in the present litigation, did not justify the claim of the appellant.

Consequent thereupon, the instant memo of appeal is found devoid of merit and is accordingly dismissed.

(Aditya Kumar Trivedi, J)

Surendra/-

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