

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22908 of 2019

Arising Out of PS. Case No.-331 Year-2017 Thana- PURNIA COMPLAINT CASE District-
Purnia

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1. KAPILDEO PRASAD SINHA @ KAPILDEO SINHA Son of Late Surendra Prasad Sinha Resident of Sipahitola, P.S.- K. Hat, District - Purnea
 2. Smt. Rimjhim Sinha Wife of Sri Sharbendu Sharan Resident of Chunapur Road, P.S.- K. Hat, District - Purnea, at present posted at head post office, Purnea
 3. Amol Kumar Singh Son of Dev Narayan Singh Resident of Madhubani, Kamla Nagar, P.S.- K. Hat, District - Purnea,
 4. Vijay Yadav Son of Late Ganori Yadav Resident of Madhubani, P.S.- K. Hat, District - Purnea,
 5. Gautam Keshri Son of Surya Narayan Keshri Resident of Madhubani, P.S.- K. Hat, District - Purnea,

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Ramchandra Prasad Keshri Son of Late Saryug Prasad Sah Resident of Madhubani, P.S.- K. Hat, District – Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

3 04-07-2019 Heard learned counsel for the petitioners and the learned A.P.P. for the State as also the learned counsel for the opposite party no.2.

The petitioners apprehend their arrest in connection with Complaint Case No.331 of 2017 registered under Sections 147, 148, 149, 323, 342, 420, 384, 386/34 and 120(B) of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that on the basis of the compromise



petition in Partition Suit No.210 of 1970, the said partition suit was decreed and the land, as detailed in the Scheduled-B of the compromise petition, was allotted in favour of Ashok Prasad Keshri, whereas the opposite party no.2 was allotted his share, as detailed in Schedule-G of the compromise petition. The land of R.S. Khata No.428 bearing R.S. Plot No.2740 measuring an area of 9.35 acres, situated in Mouza-Banbhag, Thana No.125, Thana K-Nagar, District-Purnea, as detailed in Schedule-G of the compromise petition was allotted to the opposite party no.2. Subsequently, Ashok Prasad Keshri, who was unmarried, died leaving behind his mother and sister and, thereafter, Poonam Devi, claiming herself to be the widow of Late Ashok Prasad Keshri claimed inheritance in the property left by Late Ashok Kumar Keshri, due to that reason, Most. Lagni Devi, the mother of Ashok Prasad Keshri, became disturbed and Poonam Devi taking undue advantage of the physical condition of the mother of Ashok Prasad Keshri, fraudulently and dishonestly sold almost the entire share allotted to Ashok Prasad Keshri. Recently, the opposite party no.2 came to know that some part of the land of his share (Schedule-G of the compromise petition) allotted in Partition Suit No.210 of 1970 has been fraudulently and dishonestly sold by Poonam Devi and she brought the petitioners and outsiders to grab the share of the land of the opposite party no.2 by making illegal construction over the same. On 25.02.2017 the petitioners along with 5 unknown persons armed with deadly weapons came at the place of



the occurrence and started to dispossess the opposite party no.2.

Learned counsel for the petitioners submits that the petitioners are the bonafide purchasers of the land in question, sold by Poonam Devi but with an ulterior motive, the petitioners have falsely been implicated in this case. Further submission is that Title Suit No.409 of 2013 filed by the opposite party no.2 for setting aside the sale deed executed in favour of the petitioners by Poonam Devi is pending in the court of Sub Judge-I, Purnea.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Purnea, in connection with Complaint Case No.331 of 2017, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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