

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24164 of 2019

Arising Out of PS. Case No.-464 Year-2017 Thana- NAUTAN District- West Champaran

Safrul Mian Son of Late Basarat Mian, Resident of Village - Kathaiya, Bishunpura, P.S.- Jagdishpur, Distt - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sahjahan Begam Wife of Safrul Mian, Resident of Village - Kathaiya, Bishunpura, P.S.- Jagdishpur, Distt - West Champaran, Presently residing at Village - Banuchhapar, Bettiah, P.S.- Bettiah Town, Distt - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar No 7
For the Opposite Party/s : Mr.Ram Anurag Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-04-2019 Heard learned counsel for the petitioner, learned counsel for the informant as well as learned APP.

The petitioner apprehends his arrest in Nautan (Jagdishpur) P.S. Case No.464 of 2017 registered under Sections 341, 323, 498A, 385, 406, 420, 504, 506 and 120 (B) of the Indian Penal Code.

The wife of the petitioner, in sum and substance, alleged that her husband drove her out from the house about 11 years ago and since then she is living in her maternal house. Her father-in-law executed deed of Will on 03.12.1988 with regard to 10 kathas land of Khata No.148 but her husband sold the land by registered deed in the year 2008-09 in favour of his



nephew and brother. When the informant went to enquire, the petitioner is said to have assaulted the informant.

Learned counsel for the petitioner submits that no offence under Sections 498A, 385, 406 and other sections of the I.P.C. is made out. It appears that the father-in-law of the informant executed deed of Will in favour of the informant but her husband sold the same land by executing sale deed in favour of his nephew and brother. The dispute is of civil nature.

Learned counsel for the informant vehemently opposed the prayer for anticipatory bail of the petitioner and submitted that the petitioner knowingly with intention to harass the informant executed the sale deed with regard to the land which was given to the informant by her father-in-law. It appears that the dispute between the husband and the wife arose only after execution of sale deed in the year 2008-09 but the present case was filed after a long delay. The dispute is of civil nature.

Having considered the facts aforesaid, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten



thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, West Champaran in connection with Nautan (Jagdishpur) P.S. Case No.464 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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