

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75497 of 2019

Arising Out of PS. Case No.-1101 Year-2018 Thana- COMPLAINT CASE District- Banka

1. SARYUG TANTI Son of Late Moti Tanti
2. Mahadeo Tanti Son of Late Moti Tanti
Both Resident of Village- Simana, Madhi, Gidhaura, P.S.- Shambhuganj,
District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Umesh Prasad Tanti S/O Late Sukdeo Prasad Tanti Resident of Village-
Simana, Madhi, Gidhaura, P.S.- Shambhuganj, District- Banka.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhanshu Shekhar, Adv
For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 10-12-2019 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 406,465,423 of the Indian Penal Code.

The father of the complainant was eldest brother of the two petitioners. Some property was purchased in the name of father of the complainant said to be from joint family fund. Therefore, those properties were partitioned and a Panchnama was created to substantiate the partition. A copy of the same is at Annexure-3. The complainant says that in fact the property was



self-acquired property of his father. Therefore, not subject matter of partition and entire documents have been created just to put wrongful claim. Apparently, the case is of a civil dispute. In a criminal proceeding, the issue between the parties cannot be decided.

Hence, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.20,000 (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Complaint Case No. C 1101 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and further the petitioners shall fully cooperate with the investigation of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioners.

(Birendra Kumar, J)

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