

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32969 of 2020

Arising Out of PS. Case No.-32 Year-2020 Thana- SAMHO District- Begusarai

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1. Krishan Mohan Prasad Singh, male, aged about 70 years, S/o Late Rameshwar Prasad Singh.
 2. Dilip Kumar, male, aged about 40 years, S/o Sri Krishna Mohan Prasad Singh.

Both resident of Village- Shamho, Tola- Totaha, P.S.- Shamho, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gouranga Chatterjee, Adv. Mr. Sahil Kumar, Adv.
For the Informant	:	Mr. Raj Kumar, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-03-2021 Heard Mr. Gouranga Chatterjee, learned Advocate
for the petitioners and Mr. Raj Kumar, learned counsel for
the informant. The State is represented by the learned APP.

The petitioners, who are father and son amongst
themselves, seek bail in anticipation of their arrest in



connection with Shamho P.S. Case No. 32 of 2020, dated 16.06.2020, instituted for the offences under Sections 341, 323, 504, 506, 420, 465, 467, 468, 471, 385 and 34 of the Indian Penal Code.

It has been alleged in the First Information Report that the land belonging to the ancestral property of the informant was attempted to be sold by petitioner No. 1 at a very cheap price. When this was objected by the informant as also the villagers, the petitioner No. 1 agreed for giving some land in exchange of the land so sold by the petitioner No. 1. It has also been alleged that on a particular day when the younger brother of the informant had gone to the field with seeds and manure, he was assaulted and his belongings were snatched away by the associates of the petitioners who are the prospective vendees of the property. Apart from this, it has also been alleged that when the informant approached the petitioners for exchange of land in lieu of the land which was illegally sold by the petitioner No. 1 to the customers, his signature on stamp paper was taken forcibly and he was assaulted also.



There is a counter version of the occurrence as well.

Learned counsel for the petitioners has submitted that admittedly, the petitioner No. 1 is alleged to have sold the family property beyond his share. Apart from this, it has been stated that other accusations have only been incorporated to add serious colour to the offence. The filtrate and the substratum of the allegations, therefore, is dispute over possession/rightful claim over part of the ancestral property which the petitioner No. 1 had been trying to sell. All said and done, the issue could have been resolved with the apportionment of the share in the family property.

None of the offences which have been charged in the F.I.R., can at all be said to be made out against the petitioners.

As opposed to the aforesaid contention, Mr. Raj Kumar, learned Advocate for the informant has submitted that the petitioners may be the agnates of the informant, but the act complained of in the F.I.R. do make out a case under



various sections of the Indian Penal Code including assault and forgery of documents.

Considering the fact that the petitioners are agnates of the informant and the dispute primarily relates to the sale of part of the joint family property of which the petitioners are also the shareholders, they, in the event of their arrest or surrender before the learned Court below within a period of four weeks, are directed to be released on bail on their furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-IV, Begusarai in connection with Samho P.S. Case No. 32 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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