

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64868 of 2023

Arising Out of PS. Case No.-220 Year-2023 Thana- PIRBAHOR District- Patna

1. Md. Chand Son Of Late Mooinuddin @ Sudhani R/O Mohalla- Ganja Gali, Mahendru, Ps- Pirbahore, Dist- Patna
2. Md. Shahid Son Of Late Mooinuddin @ Sudhani R/O Mohalla- Ganja Gali, Mahendru, Ps- Pirbahore, Dist- Patna
3. Md. Serajuddin @ Serajuddin Son Of Late Mooinuddin @ Sudhani R/O Mohalla- Ganja Gali, Mahendru, Ps- Pirbahore, Dist- Patna

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-10-2023 Heard Mr. Jagannath Singh, learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Pirbahore P.S. Case No. 220 of 2023, registered for the offences punishable under Sections 448, 452, 341, 323, 379, 354, 354-A, 354-B, 427, 504 & 506/34 of the Indian Penal Code.

3. Allegedly the informant entered into a registered lease agreement with smt. Tarannum Perween, who happens to be sister of the petitioners, whereby she leased her part of the share of her ancestral property. It is further alleged that when the complainant along with others went to the



dwelling house and kept all her valuables/articles and thereafter went to market to purchase the furniture, in the meantime, all the three petitioners put a new lock on the door after unlocking the lock of the complainant. It is also alleged that the petitioners have also tried to outrage the modesty of the informant and stealthily taken away the valuables amounting to Rs. 2 Lakhs.

4. Learned counsel appearing on behalf of the petitioners submit that from the narrations made in the complaint case giving rise to the present F.I.R, *prima facie*, the matter appears to be predominantly civil in nature. Moreover, the alleged occurrence took place on 24.12.2022, but surprisingly, the complaint case was filed on 10.01.2023 after a delay of 17 days, but no explanation whatsoever has been given. That apart, he also drew the attention of this Court to the complaint, and submits that all the witnesses are resident of Gopalganj, irrespective of the fact that the occurrence has taken place within the jurisdiction of Pirbahore Police Station Patna. He next submits that in fact the petitioners are having legal shares in the dwelling house, which has been illegally leased out by their sister in complete transgression of Section 4 of the Partition Act, 1893. The petitioners are still residing therein. He lastly submits that the petitioners are men of fair antecedents.



5. On the other hand, learned counsel for the State opposes the bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation which predominantly appears to be civil in nature, coupled with their fair antecedents and delay in filing of the complaint case giving rise to the present F.I.R, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) **each** with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate in connection with Pirbahore P.S. Case No. 220 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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