

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4663 of 2024

Arising Out of PS. Case No.-297 Year-2018 Thana- SONEPUR District- Saran

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1. Musmat Bijrawati Kuer @ Mu Bijrawati Kuer WIFE OF Late Brij Bihari Sharma RESIDENT OF VILLAGE- MUJOUNA, PS- DARIYAPUR DISTT- SARAN AT CHAPRA
 2. OM PRAKASH SHARMA SON OF LATE BRIJ BIHARI SHARMA RESIDENT OF VILLAGE- MUJOUNA, PS- DARIYAPUR DISTT- SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Rajani Kumari
For the Opposite Party/s : Mr.Prem Kumar Jha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-02-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Sonpur P.S. Case No. 297 of 2018 dated 08-04-2018 registered under Sections 420, 467, 468, 471 of the I.P.C.

3. As per the F.I.R. -cum- complaint petition the uncle of the complainant / informant Shiv Prasad Sharma had purchased 06 Kattha, 14 Dhurs of land appertaining to Khata No. 829, Plot No. 1568 from his own fund. Shiv Prasad sharma died leaving behind his wife Jaleshwari Kuer. The father of the informant was looking after her and after the death of his father, the informant / complainant along with his brother / Tripti Narayan Sharma started looking after her aunt / Jaleshwari Kuer. Being



pleased with their services, the aunt of the informant gifted the aforesaid land in their favour. Jawahar Sharma and Musmat Vijarawati Kuer have executed registered sale deed of the aforesaid land in favour of Sharma Mahto and Chandrama Mahto on 23.05.2015. In the said sale deed, the petitioner no. 2 / Om Prakash Sharma is an identifier.

4. Ms. Rajani Kumari, learned counsel for the petitioners submits that petitioners have falsely been implicated in this case on the basis of complaint after giving colour of criminal case arising out of a civil dispute. She further submits that both the parties are co-sharers and the land in question belongs to joint family. A Title Suit bearing T.S. No. 4 / 2015 is pending between the parties.

5. Regard being had to the submission made by the parties, taking into consideration the the fact that the land in question is the subject matter of a civil dispute and both the parties are co-sharers, as such, I am inclined to grant anticipatory bail to the petitioners.

6. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) each



with two sureties of the like amount each to the satisfaction of
A.C.J.M. Ist Class, Saran at Chapra in connection with Sonpur
P.S. Case No. 297 of 2018 subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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