

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3350 of 2024

Arising Out of PS. Case No.-118 Year-2023 Thana- SITAMARHI District- Sitamarhi

1. Devesh Kumar Kashyap S/o Murlidhar Mishra Resident of Naya Tola Basbariya Mehsaul, PO and PS- Sitamarhi, Dist. Sitamarhi
2. Kanchan Kumari W/o Devesh Kumar Kashyap Resident of Naya Tola Basbariya Mehsaul, PO and PS- Sitamarhi, Dist. Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anjani Kumar Jha, Advocate

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 07-02-2024 Heard learned counsel for the petitioners and learned APP for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Sitamarhi P.S. Case No. 118 of 2023, registered on 21.02.2023 for the offences under Sections 420, 423, 504, 506/34 of the Indian Penal Code.

3. As per prosecution case, the petitioners and some unknown persons threatened the handicapped son of the informant as to why the informant has objected to the mutation petition of the petitioners. Further allegation is that the



petitioners have intention to sell the land falling in share of the informant to other persons they have been threatening the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. The informant and petitioner no. 1 are full brother and the informant fraudulently sold out joint family property vide a number of sale deeds and in order to save the homestead land of 11 decimals which was purchased by the mother of the informant and petitioner no. 1, petitioner no. 1 transferred his share of 5.5 decimals land in favour of his wife, petitioner no. 2 so that the informant would not succeed in selling the homestead land of the family. The informant has filed a title suit being Title Suit No. 133 of 2023 regarding said piece of land admitting the fact that 11 decimals land stood in the name of their mother and she was in peaceful possession till her life time. Learned counsel further submits that for grabbing the entire family property the informant has lodged this case with false allegation. The petitioners have got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioners. Learned APP submits that the



petitioner no. 1 relinquished his right in the family property when he was appointed as teacher on compassionate ground after death of his mother and now he wants to transfer the land which he relinquished in favour of the informant to his wife, petitioner no. 2 herein.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that the allegations are vague and the dispute appears to be civil in nature, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court in connection with Sitamarhi P.S. Case No. 118 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed



by the court below, if so required by
the learned trial court.

(Arun Kumar Jha, J)

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