

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.11789 of 2024

Arising Out of PS. Case No.-637 Year-2021 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

SHIO KUMAR KUSHWAHA @ SHIVJI PARIBRAJAK S/O LATE
PARMESHWAR BHAGAT R/O VILLAGE- PACHRUKHI, P.S- MOTIPUR,
DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

1. The State of Bihar
2. MAHADEO PRASAD KUSHWAHA @ MAHADEO KUSHWAHA S/O
LATE PARMESHWAR BHAGAT R/O VILLAGE- MANJHAN CHAPRA,
P.S- MEHASI, DISTT.- EAST CHAMPARAN.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Ranjan
For the Opposite Party/s : Mr.Ashok Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

- 3 26-07-2024 1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Complaint Case No. 637 of 2021 (Trial No. 1795 of
2022), in which cognizance has been taken for the
offences punishable under Sections 406/34 of the Indian
Penal Code.
3. The prosecution case, on the basis of the complaint filed
by Opposite Party No. 2, is that there was a partition
between the complainant and the petitioner, which was



prepared on a non-judicial stamp paper on 15.05.2017.

The land falling in the share of the complainant has been sold by the petitioner.

4. Learned Counsel for the petitioner submits that the petitioner is the own brother of the complainant and there is dispute regarding title of the land, in question. A title suit, bearing Title Suit No. 404 of 2009, is pending between the parties.
5. Regards being had to the submissions advanced on behalf of the parties and taking into consideration the fact that the petitioner and the complainant are own brothers and the dispute regarding title of the land is pending in Title Suit No. 404 of 2009, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Motihari, in connection with Complaint Case No. 637 of 2021 (Trial No. 1795 of



2022).

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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