

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79582 of 2025**

Arising Out of PS. Case No.-1704 Year-2024 Thana- VAISALI COMPLAINT CASE  
District- Vaishali

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Maheshwar Prasad Singh Son of Harihar Singh, Resident of Village - Panapur  
Silauthar, P.S. - Jandaha, Dist. - Vaishali. ... .. Petitioner/s  
Versus

- 1. The State of Bihar.
- 2. Harihar Singh Son of Late Jangi Singh, Resident of Village - Panapur  
Silauthar, P.S. - Jandaha, Dist. - Vaishali. ... .. Opposite Party/s

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**Appearance :**  
For the Petitioner/s : Mr.Ramesh Kumar Thakur, Advocate  
For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

4      26-02-2026                      Heard learned counsel appearing on behalf of the  
  
petitioner and learned Additional Public Prosecutor appearing on  
  
behalf of the State.

2. The accused/petitioner apprehending his arrest in  
  
connection with C.A. Case No. 1704 of 2024 registered for the  
  
offences punishable under Sections 318, 338, 115(2), 303(2) and  
  
3(5)of Bhartiya Nayay Sanhita 2023.

3. As per complaint, the petitioner alleged to transfer  
  
the ancestral property and also the self acquired property of his  
  
father fraudulently in name of his wife.

4. It is submitted by learned counsel appearing for  
  
petitioner that the present complaint case was lodged due to  
  
dispute regarding partition of ancestral property amongst brothers.



It is submitted that due to typographical error, the father was shown dead and it was neither intentional nor deliberate. It is submitted that now aforesaid partition title suit is pending before the court of learned Civil Judge, Hajipur, Vaishali as Partition Suit No. 210/2023.

5. Arguing further, it is submitted that the allegation as raised through the complaint petition not appears legally sustainable for the reasons that same not appears supported through affidavit in view of ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***.

6. Learned APP, duly assisted by learned counsel appearing on behalf of the informant, while opposing the prayer of bail submitted that the petitioner being son of the complainant fraudulently transferred the ancestral land and also self acquired land of his father in name of his wife but fairly conceded that for all such dispute a Title suit as aforementioned is pending before the court of Civil Judge.

7. In view of aforesaid factual submission and by taking note of fact as the dispute primarily appears civil in nature between the parties *qua* partition of ancestral property and self acquired property of the complainant, who is none but the father of the petitioner, accordingly, above named petitioner, in the event



of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-XIV, Vaishali at Hajipur/concerned Court, where the case is pending in connection with Complaint Case No. 1704 of 2024 subject to the conditions as laid down under Section 482(2) of the BNSS.

**(Chandra Shekhar Jha, J)**

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