

**In the Court of Addl. Sessions Judge II, Aurangabad**

**A.B.P No. 547/26**

**Fesar PS case no. 15/26**

**(Tilleshwari Devi and another v/s State of Bihar)**

**Counsel for the petitioner – Shree Sarvesh Kumar Singh (Advocate).**

**Counsel for the State – Shree Anil Kumar-II (A.P.P.).**

Present – Anindita Singh

Addl. Sessions Judge II

Aurangabad

**2.4.26 -An application for anticipatory bail filed on behalf of accused petitioners namely 1. Tilleshwari Devi, 2. Shubhadra Devi@ Sudama Devi, 3. Shatrudhan Vishwakarma, 4. Vikash Kumar and 5. Sheopati Ram who are apprehending their arrest in connection with Fesar P.S. case no. 15/2026 under Section 127(1), 115(2), 118(2), 318(4) has been pressed today for hearing.**

**Heard Ld. Counsel of the petitioners as well as Ld. APP.**

**One Santosh Vishwakarma is the complainant of the case who has filed a complaint petition which was later on registered in Fesar police station, alleging therein that the mother of the complainant Sakuni Devi had total 5 acre and 88 decimal of land which was purchased by her through three sale-deeds on different dates. Out of which during her lifetime 84 decimals were sold by her. The said Sakuni Devi died leaving behind 5 sons and two daughters namely Laldev Vishwakarma, Rambriskh Vishwakarma, Jaggu Vishwakarma, Brijlal Vishwakarma and Santosh Vishwakarma (complainant), Utim Devi and Dhanraj Devi out of which Rambriksh died issuess. Demand of said property is running in the name of Sakuni Devi. For the partition of the said property, one of the brother of informant Brijlal Vishwakarma has also filed a partition suit which is also pending in the court of Sub-Judge-VIII but the accused persons named in the FIR after hatching conspiracy have started selling land exceeding their share. It has further been alleged that petitioner no. 1 at the instigation of petitioner no. 5, petitioner no. 2 who is his daughter, petitioner no. 3 her son-in-law has executed sale-deeds to other persons including petitioner no. 4 who is her grandson exceeding her share during the pendency of the partition suit itself.**

**While pressing the bail petition it has been submitted by the Ld. Counsel on behalf of the petitioners that the petitioners are quite innocent and have not committed any offence whatsoever alleged in the FIR. The petitioners has not moved any other anticipatory or regular bail either before the Hon'ble High Court or before this Court. It is further submitted that the case is of civil nature. As a matter of fact there is partition suit pending between the parties. The petitioners have also no criminal history in their credit. Accordingly prayer has been made to enlarge the petitioners on anticipatory bail.**

**On the other hand Ld. A.P.P. on behalf of the State as well as Ld. Counsel on behalf of informant opposed the prayer of anticipatory bail.**

**Heard and perused the case record as well as the case diary in total 56 till 19.3.26 which has already been received in this case. The present petitioners are named in the FIR and the thrust of allegation against them is that the petitioner no.1 has sold the joint property to other persons including her grandson (petitioner no. 4) at the instigation of petitioner no. 2 & 3 who happens to be her daughter and son-in-law and one Shivpati Ram. On bare perusal of the complaint petition it appears that the dispute**

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*is purely civil in nature and there is also no allegation of abuse and assault in the complaint petition though it has been stated during investigation by the informant and his brother in their respective statements. Further para no. 25 of the case diary shows that the case has been found true u/s 126(2), 115(2), 351(2), 352, 3(5) BNS only against the present petitioners which are all bailable in nature. Petitioner no. 1 & 3 bears no criminal antecedent regarding and rest petitioners some cases are found registered against them but as per submission of learned counsel the petitioners are on bail in those cases.*

*Considering the facts and circumstances of the case particularly the nature of allegation which it appears purely civil in nature, I find it judicious to extend the privilege of pre-arrest bail to the accused petitioners. Accordingly, they, in the event of their arrest/surrender in the Court within four weeks from the date of the receipt of copy of this order, are directed to be released on bail on furnishing bail-bond of Rs. 20,000 with two sureties of the like amount each to the satisfaction of the learned concerned court subject to the conditions as laid down under Section 482(2) of BNS.*

Sd/-

(Anindita Singh)

Addl. Sessions Judge -II

CIVIL COURT AURANGABAD