

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30462 of 2022

Arising Out of PS. Case No.-191 Year-2022 Thana- KHAGARIA District- Khagaria

SHIVDARSHAN MISHRA @ PINTU MISHRA SON OF SUDIST MISHRA
@ SUDIST CHANDRA MISHRA R/O VILLAGE- SANHAULI, WARD
NO.,- 05, P.S.- CHITRAGUPTA NAGAR, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, A.P.P

Mr. Anil Kumar Choudhary, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the informant
through virtual court proceedings.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
504, 506, 420, 467, 468, 471, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that he has ancestral land which was purchased in the
year 1913 by a registered sale deed and is situated in the middle
of the town, as such land *Mafia* are trying to grab the land,
further the accused persons including the petitioner in
connivance with Karmchari Sudhir Singh in 2008 got prepared a



false genealogical table and even created a forged Jamabandi No. 10 to lay claim over the land, thereafter Sudhir Singh was suspended by the DM. It is next alleged that thereafter one Mani Devi filed a Partition Suit No. 15 of 2015 and got the land partitioned by Court, it is next alleged that informant also filed a Title Suit No. 22 of 2017 against Mani Devi on coming to know about the said forgery, further, the accused persons assaulted and threatened him to live the land.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that from bare perusal of the allegation as alleged in the F.I.R it would manifest that the dispute is purely civil in nature. It is also submitted that Mani Devi got the property partitioned by orders of the Court as alleged in Partition Suit No. 15 of 2015 and the informant as alleges is also availing his remedy by filing a Title Suit No. 22 of 2017 against Mani Devi when he came to know about the said fraudulent action.

Learned counsel thus submits that in the event if the informant does not succeed in the civil proceedings then automatically the present criminal case would lose its sheen as such to send the petitioner to jail at this stage when the



allegations also are general and omnibus in nature, would be a travesty of justice.

Learned A.P.P. for the State and learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not able to rebut the submission of the learned counsel for the petitioner that the dispute is civil and the informant is availing his remedy as available in law.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khagaria P.S. Case No. 191 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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