

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16329 of 2023

Arising Out of PS. Case No.-88 Year-2022 Thana- GARKHA District- Saran

1. MRITYUNJAY KUMAR PANDEY @ MRITUNJAY KUMAR PANDEY @ M.K. PANDEY S/O LATE TARKESHWAR PANDEY Permanent resident of Village- Garkha, P.O. and P.S.- Garkha District- Saran (Bihar) and at Present Residing at House No.- A/2, Gandhi Nagar, Boring Road, District- Patna, Bihar- 800001
2. SANJAY PANDEY S/O LATE TARKESHWAR PANDEY Permanent resident of Village- Garkha, P.O. and P.S.- Garkha District- Saran (Bihar) and at Present Residing at House No.- A/2, Gandhi Nagar, Boring Road, District- Patna, Bihar- 800001

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Sawarn
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 22-06-2023 Earlier, vide order dated 25.04.2023, the prayer for anticipatory bail in respect of petitioner no. 2 (Sanjay Pandey) already stood dismissed as withdrawn.

Heard learned counsel for the parties.

Petitioner No. 1 (Mrityunjay Kumar Pandey) apprehends his arrest in a case registered for the offence under Sections 419, 420, 468, 120(B)/34 of the Indian Penal Code.

Allegation against the petitioner is that he alongwith other co-accused persons sold the share of land of informant through the registered sale-deed to one Damodar Pandey.



Admittedly, there is land dispute between the parties. Informant and petitioner are close *pattidars* and descendants of their common ancestor namely Ramkhelawan Pandey. It is further submitted that petitioner never sold the land (i.e. Plot no. 473), as alleged in the F.I.R., rather sold his own share of ancestral land, which is apparent from the sale-deed dated 12.01.2022. The alleged offence is purely a civil dispute. Similarly situated co-accused Jay Kumar Ray has already been granted anticipatory bail by a coordinate Bench, vide order dated 24.01.2023 passed in Cr.Misc.No. 69628 of 2022. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the petitioner no. 1 namely Mrityunjay Kumar Pandey be enlarged 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, Saran at Chapra in connection with Garkha P.S. Case No. 88 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.



This application is, accordingly, disposed of.

(Prabhat Kumar Singh, J)

anay/-

U		T	
---	--	---	--

