

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16146 of 2024

Arising Out of PS. Case No.-131 Year-2022 Thana- KHAGARIA District- Khagaria

1. Rajendra Prasad Chaudhary @ Rajendra Prasad Jayaswal @ Rajendra Jayswal Son of Late Jaya Prasad Chaudhary Resident of Village- Bachhauta, Police Station- Morkahi, District- Khagaria
2. Amit Kumar Son of Rajendra Prasad Chaudhary @ Rajendra Prasad Jayaswal @ Rajendra Jayswal Resident of Village- Bachhauta, Police Station- Morkahi, District- Khagaria
3. Prince Kumar Son of Rajendra Prasad Chaudhary @ Rajendra Prasad Jayaswal @ Rajendra Jayswal Resident of Village- Bachhauta, Police Station- Morkahi, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Kumar, Adv.
For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Khagaria (Chitra Gupt Nagar) P.S. Case No. 131 of 2022 dated 15.02.2022, G.R. No. 412/2022 registered for the offences punishable u/ss 420, 406, 467, 468, 471 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner Rajendra Prasad Choudhary being brother of the informant sold the informant's land under conspiracy in which his sons became



identifier and witnesses.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. The petitioner no. 1 is the father of the petitioner nos. 2 and 3 and the land in question is recorded in the name of their ancestor and they legally sold the land of their share because they were in need of money but the informant does not want to sell the land in question. The dispute is purely of a civil nature for which a title suit is pending before the Court below, as such, no case under Sections 420, 467, 468, 471 and 34 of the I.P.C. is made out against the petitioners. The petitioner no. 1 has one criminal antecedent whereas the petitioner nos. 2 and 3 have two criminal antecedents as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioners.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioners, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount



each to the satisfaction of learned court concerned, Khagaria in connection with Khagaria (Chitra Gupt Nagar) P.S. Case No. 131 of 2022, subject to conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. This application stands allowed.

(Chandra Prakash Singh, J)

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