

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28686 of 2024

Arising Out of PS. Case No.-1181 Year-2023 Thana- COMPLAINT CASE District- Araria

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1. Sharad Chandra Mishra S/O Anirudh Mishra R/O Village- Dorra, P.S- Balua Bazar, Supaul, At Present Resident Of Village- Narpatganj, P.S- Narpatganj, Distt- Araria.
2. Ashok Chandra Mishra S/O Late Anirudh Mishra R/O Village- Dorra, P.S- Balua Bazar, Supaul, At Present Resident Of Village- Narpatganj, P.S- Narpatganj, Distt- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Subhash Chandra Mishra S/O Late Anirudh Mishra R/O Village- Dorra, P.S- Balua Bazar, Distt.- Supaul.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s : Mr. Mukesh Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 15-05-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection
with Complaint Case No. 1181 of 2023 instituted under Sections
420, 465, 467 and 468 of the Indian Penal Code.

3. As per the prosecution case, the grand-father



(*nana*) of complainant and the petitioners voluntarily transferred total 26.35 acres land of different plots to his Indrakala Devi, mother of the complainant and the petitioners which was equally partitioned between her four sons. It is alleged that the petitioners on the basis of forged panchnama mutated the land in their name without any information to the complainant. It is further stated that Jamabandi has been restored in the name of Indrakala Devi vide the order of Bihar Land Tribunal

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case due to ulterior motive. It is further submitted that petitioners and complainant are own brothers and there is land dispute between them for which title suit is pending in the Concerned Court. He further submits that the alleged occurrence is of the year 2002, however, the complaint case has been filed the year 2023. He also submits that the petitioners have no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks



from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount to each to the satisfaction of the learned Judicial Magistrate-1st Class, Araria in connection with Complaint Case No. 1181 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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