

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31154 of 2024

Arising Out of PS. Case No.-26 Year-2016 Thana- MAHISHI District- Saharsa

1. Krishna Kant Mishra Son of Late Sunder Kant Mishra Resident of village - Persarma (Parsoni Ward No.- 2), P.S. and District - Supaul.
2. Kailash Chandra Mishra Son of Late Sunder Kant Mishra Resident of village - Persarma (Parsoni Ward No.- 2), P.S. and District - Supaul.
3. Pravin Chandra Mishra Son of Late Sunder Kant Mishra Resident of village - Persarma (Parsoni Ward No.- 2), P.S. and District - Supaul.
4. Navin Chandra Mishra Son of Late Sunder Kant Mishra Resident of village - Persarma (Parsoni Ward No.- 2), P.S. and District - Supaul.
5. Sarveshwar Kumar Mishra @ Raju Mishra Son of Late Sunder Kant Mishra Resident of village - Persarma (Parsoni Ward No.- 2), P.S. and District - Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durga Nand Jha, Adv
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 22-05-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Mahishi P.S Case No. 26 of 2016 dated 06.03.2016 registered for the offence punishable u/s 409, 420, 465, 467, 468, 471 and 120B of the Indian Penal Code.

3. As per the prosecution case, the complainant has alleged that one piece of land appertaining to khata no. 151 measuring an area about 33 Acres 25 decimal is his ancestral



land and the names of Father and other ancestors of the complainant are recorded in Khatiyani and accordingly the complainant and his family members have possessions over said land. It is further alleged that the complainant heard some rumors in the village on 25.10.2010 that accused persons with the help of Government officials got their names mutated of land pertaining Khata no. 151, area 8 acres 16 decimals in the Sirista of State Government on the basis of recent survey. It is further alleged that the accused persons with the help of Survey Authority in Survey Case No. 33094/1986, 33095/1986 U/s 106 of the B.T. Act which was filed by other persons got their names placed as parties by manipulations and on the basis of that order got their names recorded in the records of right. It is further alleged that accused persons created forged documents to grab the land of the complainant under conspiracy.

4. Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. It is further submitted that there is a land disputed between the parties. The allegation against the petitioners is general and omnibus. It is a case of civil dispute. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the prayer of anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, as well as the nature of allegation levelled 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 anticipatory 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, Saharas, in connection with Mahishi P.S. Case No. 26 of 2016, 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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