

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44441 of 2024

Arising Out of PS. Case No.-8 Year-2024 Thana- CHANDI District- Bhojpur

1. Rabindra Kumar @ Ravindra Kumar Son of Ram Bihari Singh Resident of village- Gundi, Kusihan, P.S.- Chandi, Dist.- Bhojpur
2. Ram Niwas Singh Son of Ram Bihari Singh Resident of village- Gundi, Kusihan, P.S.- Chandi, Dist.- Bhojpur
3. Mithu Kumar @ Mithilesh Kumar Son of Bhikhari Lal R/O Mohalla- Mirganj, P.S.- Arrah Town, Dist.- Bhojpur.
4. Ram Bihari Singh Son of Late Ram Kripal Yadav Resident of village- Gundi, Kusihan, P.S.- Chandi, Dist.- Bhojpur
5. Ram Vinay Singh Son of Ram Bihari Singh Resident of village- Gundi, Kusihan, P.S.- Chandi, Dist.- Bhojpur
6. Shyam Narayan Singh Son of Bhola Nath Singh Resident of village- Gundi, Kusihan, P.S.- Chandi, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Md. Ataul Haque, Adv.
For the Opposite Party/s	:	Mr. Gauri Shankar Gupta, APP
for the Informant	:	Mr. Manoj Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 17-12-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State as well as learned counsel for the informant.

02. Learned counsel for the petitioner seeks permission to make necessary correction in the cause title of the petition as in the alias name of first petitioner, it has been mentioned as ‘&’ instead of ‘alias/@’.

03. He is permitted to do so in course of the day.

04. In the present case, the petitioners are



apprehending their arrest in connection with Chandi P.S. Case No. 08 of 2024, registered for the alleged offence under Sections 420/34 of the Indian Penal Code.

05. As per prosecution case, the petitioners acting with common intention, executed sale deeds for the land of the informant, which he got in a compromise with co-sharers which included the petitioner no. 4.

06. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The informant claims the land on the basis of a *pachayatnama* and genealogy but the *panchayatnama* is a forged document and the informant has given a completely wrong genealogy. Petitioner nos. 4, 5 and 6 executed the sale deeds according to their shares. The genealogy issued by the Circle Officer shows a completely different genealogy from the genealogy given by the informant, which is part of the FIR. Learned counsel further submits that the petitioner no. 1 is purchaser, petitioner no. 2 is identifier, petitioner no. 3 is witness and petitioner nos. 4 to 6 are the vendors of the sale deed. The nature of dispute is civil and this fact is evident from the filing of Title Suit No. 76 of 2024 by the informant, which has been pending adjudication before the learned Munsif-III,



Bhojpur at Ara. Learned counsel further submits that the petitioners are having clean antecedent.

07. Learned A.P.P. for the State as well as learned counsel for the informant oppose the prayer for anticipatory bail. Learned counsel for the informant submits that the informant got the land in his share by a *pachayatnama* dated 01.08.2011 and the genealogy attached with the written report shows the informant is descendant from one of the brothers and the petitioner nos. 4 to 6 also claim their right over the land through another brother.

08 Having regard to the facts and circumstances and submission made on behalf of the parties and considering the civil nature of dispute, let the petitioners above named, in the event of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Chandi P.S. Case No. 08 of 2024, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

(i) One of the bailors will be a close relative of



the petitioners.

(ii) The petitioners will remain present on each
and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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