

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43019 of 2024

Arising Out of PS. Case No.-1828 Year-2022 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Paras Nath Upadhaya Son of Ram Pravesh Upadhaya R/O Vill.- Anaith Ara, P.S.- Ara Nawada, Dist.- Bhojpur
 2. Bashisth Upadhaya Son of Ram Pravesh Upadhaya R/O Vill.- Anaith Ara, P.S.- Ara Nawada, Dist.- Bhojpur
 3. Baijnath Upadhaya Son of Ram Pravesh Upadhaya R/O Vill.- Anaith Ara, P.S.- Ara Nawada, Dist.- Bhojpur
 4. Mithilesh Kumar Upadhaya Son of Ram Pravesh Upadhaya R/O Vill.- Anaith Ara, P.S.- Ara Nawada, Dist.- Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Birendra Upadhaya Son of Late Dalnath Upadhaya R/O Vill.- Barki Sanadiya, P.S.- Ara Mufassil, Dist.- Bhojpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Akash Kumar Mishra, Advocate
For the Opposite Party/s :	Mr. Umesh Lal Verma, A.P.P.
	Mr. Nityanand Tiwary, Advocate
	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-09-2024 Heard learned counsel for the petitioners, O.P. No. 2
and the State.

2. Petitioners apprehend arrest in a case registered for
the offences punishable under Sections 419, 467, 468, 323,
504/34 of the Indian Penal Code.

3. It is alleged that these petitioners sold the land of
complainant for consideration money of Rs. 2,02,500/- and
when complainant came to know about the same and went to



enquire about the matter, these petitioners abused and assaulted him with fists and slaps.

4. Learned counsel for the petitioners submits that both parties are co-sharers of common ancestral property. He next submits that Title Partition Suit No. 544 of 2019 is pending in the court of learned Sub-Judge-I, Bhojpur at Ara for partition of their ancestral land and petitioners have sold the land of their shares as they were in need of money and the final amount will be adjusted once the partition takes place. Moreover, dispute in this case involves sale and purchase of land and complainant has tried to give criminal colour to the dispute of civil nature. Petitioners claim clean antecedent.

5. Learned counsel for the complainant vehemently opposed the bail application.

6. Considering the backdrop of the case, this anticipatory bail is allowed and it is ordered that let the above named petitioners in the event of their arrest/surrender before the court below within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Bhojpur at Ara in connection with Complaint Case No. 1828(C) of 2022, subject



to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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