

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53086 of 2024

Arising Out of PS. Case No.-582 Year-2023 Thana- HARSIDHI District- East Champaran

1. Shiv Jee Pandey @ Sashikant @ Shashi Kant Pandey S/o Shankar Pandey R/o Village- Sonbarsha, ward No.7, P.S.-Harsidhi, District-East Champaran
2. Panchdev Pandey @ Panchdev Panday S/o Shankar Pandey R/o Village- Sonbarsha, ward No.7, P.S.-Harsidhi, District-East Champaran
3. Niraj Pandey @ Brajesh Pandey @ Brajesh Kumar Pandey S/o Late Sudama Pandey @ Yamunakant Pandey R/o Village- Sonbarsha, ward No.7, P.S.-Harsidhi, District-East Champaran
4. Deepak Kumar Pandey @ Deepak Pandey S/o Late Sudama Pandey @ Yamunakant Pandey R/o Village- Sonbarsha, ward No.7, P.S.-Harsidhi, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 06-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Harsidhi P.S. Case No. 582 of 2023 instituted for the offence
punishable under Sections 468, 420, 406, 34 and 120B of the
Indian Penal Code.

3. The allegation against the petitioners is that they in
connivance with other accused persons got the gift deed
executed in respect of the lands of the uncle of the informant.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and they have been falsely implicated in this case. It is further submitted that late Ambika Pandey and late Bishwanath Pandey & informant are agnates. As a matter of fact, the disputed land is *khatiyani* land of the informant's ancestor and ancestor of the petitioners and as late Ambika Pandey and Late Bishwanath Pandey (uncle of the petitioners) had no issue so they have gifted their own share to their nephew and executed two gift deed in favour of the petitioners and the informant has no concern with the said land till today and the land is in peaceful possession of the petitioners. The informant has lodged this false case with fabricated allegations. Further, the co-accused of this case, namely, Sachidanand Tiwari @ Chuman Tiwari and Uday Upadhyay have been granted the privilege of anticipatory bail by this Court *vide* order dated 24-07-2024 passed in Cr. Misc. No. 44194 of 2024. Lastly, it has been submitted that petitioner Nos.1 to 3 have no criminal antecedents whereas, petitioner No.4 has one case pending against him, in which he is on bail.

5. Learned APP has opposed the prayer for anticipatory bail.

6. Having considered 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 each to the satisfaction of the learned CJM, Motihari, East Champaran, in Harsidhi P. S. Case No. 582 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

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