

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52210 of 2024

Arising Out of PS. Case No.-407 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Mister Miya Son Of Late Aas Mohammad Miya Resident Of Village -
Kritpura, Rajapatti, P.S. - Baikunthpur, District - Gopalganj

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Baikunthpur P.S. Case No. 407 of 2023 dated 29.11.2023
instituted for the offence punishable under Sections 467, 468,
471, 420/34 of the Indian Penal Code.

3. The prosecution case, in short, is that lands of
Khata No. 205, Plot No. 659 and Plot No. 659/831 is recorded
in the name of Vasudev Mishra and Rambharos Mishra, who
was the maternal great grand father of the informant. It is
alleged that the land was in possession for more than hundred
years but the heirs of Sripat Mishra namely, Omprakash Mishra,
Jai Prakash Mishra, sons of Dudhnath Mishra have sold the land
fraudulently to the other accused persons with a view to grab the



land of informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that petitioner is the identifier of the sale deed. It is next submitted that petitioner is not named in the F.I.R. During the course of investigation, the name of petitioner has come in this case. It is further submitted that sale deed has been executed by Om Prakash Mishra and Jai Prakash Mishra in favour of Urmila Devi and others. It is further submitted that co-accused persons namely, Urmila Devi, Upendra Singh and Jai Prakash Mishra have been granted bail *vide* order dated 20.05.2024 passed by this Court in Criminal Miscellaneous No. 30082 of 2024. Learned counsel further submitted that Title Suit No. 1222 of 2023 has been filed by the informant on 23.11.2023 for declaration of title and cancellation of sale deed, which is pending for adjudication. It is further submitted that the nature of allegation mentioned in the F.I.R. is purely civil in nature. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of



the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Baikunthpur P.S. Case No. 407 of 2023, he/they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Gopalganj, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

Sankalp/-

U		T	
---	--	---	--

