

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54186 of 2024

Arising Out of PS. Case No.-865 Year-2022 Thana- GAYA COMPLAINT CASE District-
Gaya

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1. HIRA DEVI WIFE OF SHYAM BIHARI LAL RESIDENT OF VILLAGE - SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA AND PRESENT RESIDENT OF NEAR MARKHAM COLLEGE, BADKA GAON ROAD, HAZARIBAGH, P.S. - SADAR HAZARIBAGH, DISTRICT - HAZARIBAGH, JHARKHAND
 2. MANISH KUMAR GUPTA SON OF SHYAM BIHARI LAL RESIDENT OF VILLAGE - SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA AND PRESENT RESIDENT OF NEAR MARKHAM COLLEGE, BADKA GAON ROAD, HAZARIBAGH, P.S. - SADAR HAZARIBAGH, DISTRICT - HAZARIBAGH, JHARKHAND
 3. RAJESH KUMAR GUPTA SON OF ARJUN PRASAD GUPTA RESIDENT OF NEAR POST OFFICE, NEW BAZAR, SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA
 4. DEEPAK KUMAR GUPTA SON OF DWARIKA PRASAD GUPTA RESIDENT OF NEAR POST OFFICE, NEW BAZAR, SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA
 5. REKHA GUPTA WIFE OF MUKUND PRASAD GUPTA RESIDENT OF NEAR POST OFFICE, NEW BAZAR, SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA
 6. MUKUND PRASAD GUPTA SON OF LATE GOVARDHAN SAO RESIDENT OF NEAR POST OFFICE, NEW BAZAR, SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA
 7. SANJAY KUMAR SINGH SON OF LATE DULAR SINGH RESIDENT OF NEAR POST OFFICE, NEW BAZAR, SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR BIHAR
2. ARJUN PRASAD SON OF LATE MUNSHI MAHTO RESIDENT OF MOHALLA - NAYA BAZAR, SHERGHATI, P.S. - SHERGHATI, DISTRICT - GAYA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinkar Kumar
For the Opposite Party/s : Mr. Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 02-08-2024

1. Heard learned Counsel for the petitioners and



learned Additional Public Prosecutor for the State.

2. This application, for grant of anticipatory bail, arises out of Sherghati (Gaya) Complaint Case No. 865 of 2022, disclosing offences under Sections 420, 467, 468, 506, 34 of the Indian Penal Code.

3. As per the allegation made in the complaint, the complainant purchased six decimals of land in khata no. 726, Plot No. 567-568 from Deepak Kumar (petitioner no. 4) in the year 2010. It has further been alleged that Title Suit No. 51 of 2015 is pending filed by sister of petitioner no. 1. The injunction order was passed by the learned Sub Judge in the Title Suit which was vacated with regard to plot no. 567 and injunction was subsisting over plot no. 568 but despite the injunction order the petitioner no. 1 sold 18.5 decimals of land of plot no. 568 showing it as plot no. 567 in favour of the purchasers.

4. Learned Counsel for the petitioners submits that the petitioners have not committed any offence in the manner alleged and from perusal of the complaint, it would be evident that a civil dispute has been given the colour of criminal case. He next submits that petitioner no. 1 is the daughter of the original land owner having a total area of 24.5 decimals of land. Out of 24.5 decimals of land, six decimals of land was sold by



petitioner no. 4 who happens to be the adopted son of the original land owner and as a holder of a will. Petitioner no. 2 is son of petitioner no. 1 and petitioner no. 3, 5, 6, 7 are purchasers.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that a title suit is pending between the parties and petitioner no. 1 and 4 are claiming title over the subject land which was sold by them, I am inclined to grant the petitioner privilege of anticipatory bail.

6. This application is, accordingly, allowed.

7. Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Gaya, in connection with Sherghati (Gaya) Complaint Case No. 865 of 2022, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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