

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64062 of 2024

Arising Out of PS. Case No.-1227 Year-2023 Thana- KHAGARIA District- Khagaria

1. Kumud Kumar Choudhary S/o Late Surendra Choudhary R/O Village- Mojmadabad, P.S- Bihpur, Distt.- Bhagalpur.
2. Gauri Shankar Choudhary S/o Late Surendra Choudhary R/O Village- Mojmadabad, P.S- Bihpur, Distt.- Bhagalpur.
3. Mostt. Narmada Devi W/o Late Navin Choudhary R/O Village- Mojmadabad, P.S- Bihpur, Distt.- Bhagalpur.
4. Mostt. Sharda Devi W/o Late Dhiraj Prasad Choudhary R/O Village- Mojmadabad, P.S- Bihpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Chandan Kashyap, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 18-12-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioners apprehend their arrest in connection with Khagaria (Mufassil) P.S. Case No.1227 of 2023 registered for the offence under Sections 419, 420, 467, 468, 471, 427/34 of the Indian Penal Code.

3. The allegation against the petitioners along with other co-accused persons to have misappropriated and



cheated the land of the informant.

4. Learned counsel appearing on behalf of the petitioners submits that the petitioners have falsely been implicated in the present case. It is submitted that the petitioners are seller of the land in question as the land in question is their ancestral land and *Jamabandi* was created in the name of their grand father, namely, Late Jagdish Mahto. It is submitted that it appears from perusal of FIR that the matter relates to civil in nature due to land dispute. It is further submitted that informant has already filed a Civil Suit vide Title Suit No.6 of 2024 regarding the land in question where the present petitioners are also made party and same is pending before the learned Sub-Judge- 1st, Khagaria. It is also submitted that no one has lodged any complaint or FIR in regard to the said land.

5. Learned APP appearing on behalf of the State, opposes the prayer of bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, submissions made on behalf of the petitioners, let all the above-named petitioners be released on anticipatory bail in the event of their arrest or surrender before the trial court within a period of six weeks from today on furnishing bail bond of Rs.10,000/- (Ten Thousand) each with



two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria in connection with Khagaria (Mufassil) P.S. Case No.1227 of 2023 subject to the condition laid down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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