

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65129 of 2024**

Arising Out of PS. Case No.-20 Year-2024 Thana- GOPALPUR District- West Champaran

1. Deepak Kumar @ Deepak Kumar Verma Son of Late Birendra Prasad
2. Pradeep Kumar @ Pradeep Kumar Verma Son of Late Birendra Prasad
3. Hare Ram Kushswaha Son of Late Jay Prakash Kushwaha

All are R/O Vill.- Ghogha, P.S.- Gopalpur, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shashank Chandra, Advocate

For the Opposite Party/s : Ms. Renu Kumari, APP

Mr. Prateek Tandon, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**

ORAL ORDER

2      10-09-2024                      Heard learned counsel for the petitioners, learned APP  
  
for the State and the learned counsel appearing on behalf of the  
  
informant.

2. The petitioners seek bail in anticipation of their  
arrest in a case registered for the offences punishable under  
Sections 420, 467, 471 and 506 of the IPC in connection with  
Gopalpur P.S. Case No.20 of 2024.

3. The learned counsel for the petitioners submit that  
petitioners are persons with clean antecedent and the informant  
alleges that the land in dispute as detailed in the FIR belongs to



her and Jamabandi is running in the name of her father-in-law and she is having her house over Khesra No.1020 which was rented to Hareram vide rent agreement dated 29.01.2024, but when she requested Hareram to vacate the house the accused persons including the petitioners started claiming the said land as their on the ground that the land was sold in favour of Sudha Devi, further they showed the sale deed which is a forged document and does not bear the signature of her family members, nor the sale deed is available in the registry office.

4. The learned counsel submits petitioners have been falsely implicated in the instant case by the informant. It is further submitted that the dispute is purely civil to which a criminal colour has been given. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the same does not disclose the name of the father-in-law of the informant in whose name Jamabandi was running. It is submitted that the informant deliberately did not disclose the name of her father-in-law in the FIR. It is next submitted that the land in question was purchased by Sudha Devi from Babu Shivrindan Prasad, father-in-law of the informant vide registered sale deed dated 10.06.1975 (Annexure-2). It is next submitted that Sudha Devi is mother of Deepak (Petitioner no.1)



and Pradeep (Petitioner no.2). It is next submitted that after the land was purchased for some reason the mutation of the land could not be done, but then the land was mutated in favour of Sudha Devi by an order dated 25.02.2021 (Annexure-3) by the Circle Officer, Chanpatiya, thereafter, Land Possession Certificate dated 07.06.2022 was issued in favour of Sudha Devi (Annexure-4). It is next submitted that order of mutation dated 25.02.2021 was challenged in Mutation Appeal No.25 of 2022 by the informant before the DCLR and DCLR by order dated 22.11.2022 (Annexure-5) set aside the order of mutation against which Sudha Devi filed a revision before the ADM being Revision Case No.96 of 2022, it is further submitted that the ADM by his order dated 10.08.2024 set aside the order dated 22.11.2022 passed by the DCLR and thus the mutation of Sudha Devi was restored. It is next submitted that in Revision Case No.96 of 2022 the informant had also appeared as would manifest from Annexure-7 to the anticipatory bail application.

5. The learned counsel thus submits that Sudha Devi had purchased the land in question in the year 1975, but then for some reason the mutation could not be done and the informant taking advantage of the said fact instituted the instant FIR in the year 2024 without disclosing about the case relating to mutation



of the land as recorded hereinabove, it is submitted that though revision case came to be decided on 10.08.2024 and the instant FIR came to be instituted on 01.02.2024, but prior to that mutation was done in favour of Sudha Devi, which was set aside in appeal against which revision was pending, in which informant had appeared prior to institution of the FIR, which amply demonstrates that the informant in order to coerce the petitioners into submissions instituted the instant FIR.

6. The learned APP and the learned counsel appearing on behalf of the informant opposes the anticipatory bail application, but then are not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioners that the dispute is purely civil to which a criminal colour has been given and the informant despite being aware of the mutation proceeding did not disclose the said facts in the FIR.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on anticipatory bail on their furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, West Champaran, Bettiah in connection with Gopalpur P.S. Case No.20 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

**(Satyavrat Verma, J)**

Prakash Narayan

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