

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68463 of 2023

Arising Out of PS. Case No.-140 Year-2019 Thana- KHAGARIA COMPALINT CASE
District- Khagaria

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1. Raj Kumar Sah@Raj Kumar Son Of Late Laxman Sah Resident Of Village - Khutiya, Ward No. 12, Ps- Mansi, Dist- Khagaria
 2. Pankaj Sah @ Pankaj Kumar Son Of Late Laxman Sah Resident Of Village - Khutiya, Ward No. 12, Ps- Mansi, Dist- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahesh Swarnkar @ Mahesh Prasad Sah Son Of Late Ramsharan Swarnkar Resident Of Village - Khutiya, Ward No. 12, Ps- Mansi, Dist- Khagaria

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Viveka Nandsingh, Advocate
For the Opposite Party/s	:	Mr. Satyendra Prasad, APP
		Mr. Nitin Kumar, Advocate
		Mr. Rishikesh Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3. 25-06-2024 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioners apprehend their arrest in a complaint case punishable for the offence under Sections 147, 342, 420, 406, 467, 468, 471, 472, 384, 120(B), 504, 506 of the Indian Penal Code.

3. As per complaint case, it is alleged that since last 16 years, the complainant has a shop on Gair-Majarua Aam land and for sale of the aforesaid land, all the accused persons including these petitioners, under a criminal conspiracy, claimed



the aforesaid land as their ancestral land and by showing a forged documents of the land, collected the rent of the aforesaid land at the rate of Rs. 900/- per month.

4. Learned counsel for petitioners submits that the land in question is not *Gair-Majarua Aam* land, rather the aforesaid land is their ancestral land and *jamabandi* is also running in the name of his ancestor Late Bhola Bangal. The complainant has also filed a money suit, vide Money Suit No. 3 of 2020 in the court of learned Sub-Judge 1st Khagaria and co-accused Sudhir Gupta, his wife Usha Devi and Raj Kumar Sah are the defendants and in the aforesaid suit, the complainant has specifically stated that on the basis of an agreement, he was paying rent to co-accused Usha Devi, wife of co-accused Sudhir Gupta. Learned counsel further submits that co-accused Sudhir Gupta has also filed a complaint, vide Complaint Case No. 232-C of 2019 in the court of learned Chief Judicial Magistrate, Khagaria against the complainant and others. Moreover, the dispute is purely of a civil nature. Petitioners claim clean antecedent.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 opposed the bail petition.

6. Considering the aforesaid facts and circumstances,



let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Khagaria in connection with Complaint Case No. 140(C) of 2019, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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