

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67953 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Sujit Mishra, S/O- Late Kishor Mishra, R/o- Goth Bardaha W.No-3, Ps-
Gheladh Dist- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rajeev Kumar Jha, son of Damodar Jha, R/o- Patuwaha Ps- Saharsa SAdar
Dist- Saharsa

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C.Verma, Sr. Advocate Mr. Sanjeev Verma, Advocate
For the State	:	Mr. Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Hrishikesh, Advocate Mr. Chandramauli Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 27-02-2024 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. In this case, the petitioner is apprehending his arrest in connection with Saharsa Sadar P.S. Case No. 36 of 2023, registered on 18.01.2023 for the offences under Section 468, 471, 467, 472, 341, 323, 385, 504 and 506/34 of the Indian Penal Code.

3. As per prosecution case, petitioner executed two sale deeds for the land on which title was being claimed by the informant. It is alleged that the petitioner is a member of land grabber's gang who indulge in such type of activities.



4. Learned senior counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner is *bona fide* owner of the piece of land in question which stood in the name of his great grandfather. *Jamabandi* is still running in the name of his great grandfather and the petitioner has continuously been paying revenue rent to the Government of Bihar. Petitioner has no concern with prime accused Laxmi Narayan Jha and it is absurd to allege that the petitioner is a member of any gang. There is land dispute between the parties and the present case is fall out in the chain of such land disputes. Learned senior counsel further submits that though the petitioner has been made accused in five cases but in two cases final form were submitted and one was registered at the instance of the present informant. Petitioner is on bail in all pending cases.

5. Learned APP as well as learned counsel for the informant vehemently oppose the prayer for anticipatory bail. Learned counsel for the informant submits that petitioner has been selling the land of the informant and it is out and out a case of cheating. The mutation case filed by the petitioner was rejected by the revenue officer.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the background of land dispute and also considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa/court concerned in connection with Saharsa Sadar P.S. Case No. 36 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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