

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7968 of 2025

Arising Out of PS. Case No.-423 Year-2023 Thana- CHAKIA District- East Champaran

1. Vishwanath Rai Son of Banarasi Rai Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran
2. Abhishek Kumar Son of Late Laxman Rai Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran
3. Most. Kanti Devi Widow of Late Laxman Rai Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran
4. Maya Devi Wife of Arjun Thakur Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran
5. Sonelal Thakur Son of Arjun Thakur Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran
6. Dharmendra Thakur Son of Arjun Thakur Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran
7. Arjun Thakur Son of Late Lakhan Thakur Resident of Vill- Chauhaniya, P.S.- Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Amarendra Nath Verma, Advocate
For the Opposite Party/s :	Mr.Raj Kishor Singh, A.P.P.
	Mr. RK Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-03-2025 Heard learned counsel for the petitioners and the State.

2. Petitioners apprehend arrest in a case registered for the offence punishable under sections 420, 467, 468, 471,120B of the Indian Penal Code.

3. As per the prosecution case, all the FIR named accused persons including these petitioners sold and purchased



land of the informant bearing Jamabandi no. 142, Khata no. 56 and Khesra no. 863 Area 4.7 decimal. Accused persons also threatened the informant of dire consequences.

4. It is submitted on behalf of the petitioners that informant claims part of the land on the strength of allotment of units in Ceiling Case No.1/73-74 which can never be the basis of right, title or possession. Not even Jamabandi can create right and title. Even if the informant has a right & title for adjudication, the same can be ventilated before a civil court of competent jurisdiction and not in a criminal proceeding. It is further submitted that third petitioner is vendor of one Katha land while first petitioner is witness, second petitioner is her identifier, fourth petitioner is vendee, while fifth petitioner is the vendee's husband and the sixth & seventh petitioners are her sons. Petitioners claim clean antecedent.

5. Learned counsel for the State as well as the informant oppose the prayer for bail.

6. Considering the aforesaid facts of the case, prayer for bail of all the petitioners is allowed. In the event of arrest/surrender within eight weeks from today, let these petitioners, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties



of the like amount each to the satisfaction of Chief Judicial
Magistrate, Motihari, East Champaran in Chakia Police Station
Case No. 423 of 2023, subject to the conditions laid down under
section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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