

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6878 of 2025

Arising Out of PS. Case No.-138 Year-2024 Thana- INDUSTRIAL AREA District- Vaishali

Dilip Kumar Son of Kamleshwar Singh village- Rahimpur, Ps- Bidupur, Dist-
Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Advocate

For the State : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Industrial Area P.S. Case No. 138 of 2024, dated 05.10.2024 registered for the offences punishable under Sections 318(4), 338, 336(3), 340(2) and 61(2) of B.N.S., 2023

3. As per allegation, the land in question is khatiyani land of the informant in the name of her husband. However, since 1970, several sale deeds have been executed in regard to the land, including the sale deed executed by her husband. Since then, the land has changed several hands and even mutated in the names of transferees in collusion with the Revenue Officers, including the Circle Officers and hence, the case has been lodged against the persons who have purchased the land and got



mutated the land in their names. Even the Circle Officers and Revenue Officers have been impleaded as accused in this case.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. She further submits that the petitioner is a bonafide purchaser of the land in question and some part of the land has been transferred by the petitioner to some other transferees with due process of law. The land has also been mutated in his name and the subsequent transferee. There is no criminality involved in the whole transaction. At most, it is a matter of civil dispute and the informant has liberty to move Civil Court to adjudicate her right and title.

5. He further submits that the petitioner has been languishing in jail since 03.12.2024.

6. It has also been stated in paragraph no. 3 of the bail petition that the petitioner has four criminal antecedents.

7. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

8. However, learned APP for the State vehemently opposes the prayer of the petitioner for bail.

9. Considering the aforesaid facts and circumstances,



I find that the alleged facts and circumstances at most, constitute a dispute of civil nature and the informant has remedy by way of filing of civil suit for adjudication of her right and title.

10. Accordingly, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Vaishali at Hajipur in connection with Industrial Area P.S. Case No. 138 of 2024 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, learned



court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J)

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