

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8986 of 2025

Arising Out of PS. Case No.-242 Year-2024 Thana- LAHERIYASARAI District- Darbhanga

1. Kumar Vishal @ Balaji, S/O Mithlesh Kumar Bhagat @ Mithilesh Bhagat, R/O village - Bhairavpatti Milki Chak , Police Station - Bahadurpur , District - Darbhanga
2. Lalan Roy @ Lalan Rai, S/O late Ram Shresth Roy, R/O Vill.- Madhopur, P.S.- Warisnagar, Dist.- Samastipur.
3. Avdhesh Yadav @ Awdesb Yadav, S/O Vishwnath Yadav, R/O village - Bhairavpatti, Police Station - Bahadurpur , District - Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjani Kumar Bhagat, S/o- late Ram Lakhan Bhagat, R/o- vill- Bhairavpatti, PS- Bahadurpur, Dist Darbhanga

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Pratap, Advocate.
For the State	:	Mr. Anant Kumar 1, APP
For the informant/O.P	:	Nr. Manish Kumar 3, Advocate.

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 14-05-2025 Heard learned counsel for the petitioners, learned
APP for the State and learned counsel for the informant.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Laheriasarai P.S. Case No. 242 of 2024 dated 2.5.2024, registered for the offences punishable under Sections 406, 420, 506 and 120-B of the Indian Penal Code.

3. As per allegation, the land belonging to the informant has been sold by the accused/petitioner No. 1



claiming to be his own property in favour of petitioner No. 2 on the identification by accused/petitioner No. 3.

4. Learned counsel for the petitioner submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the alleged facts and circumstances of the case at most constitute a civil dispute. He also submits that no offence is made out against the petitioners.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No. 1 has one criminal antecedent whereas petitioner Nos. 2 and 3 have no criminal antecedents.

7. Learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the Petitioners for bail submitting that the petitioners have committed offence of misappropriation of cheating. However, considering the alleged facts and circumstances, it clearly transpires that this is a matter of civil dispute and the petitioners have remedy to approach the Civil Court.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named,



to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of concerned court below in connection with Laheriasarai P.S. Case No. 242 of 2024 subject to the conditions as laid down under Section 482 (2) B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) 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 petitioners.

(Jitendra Kumar, J)

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