

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 11725 of 2025

Arising Out of PS. Case No.-301 Year-2024 Thana- KHAIRA District- Saran

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1. Manoj Prasad @ Manoj Sah Son of Samtola Sah Village -Khaira P.S. -Khaira Distt -Saran.
 2. Premshankar Prasad Son of Bishwanath Sah Village -Khaira P.S. -Khaira Distt -Saran.
 3. Dilip Sah @ Dilip Kumar Sah son of Samtola Sah Village -Khaira P.S. -Khaira Distt -Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s :	Mr. Nawal Kishore Prasad, A.P.P.
For the Informant :	Mr. Hemant Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-04-2025 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioners submits that petitioner no. 2 has been arrested during pendency of this appeal. Accordingly, he seeks permission to withdraw this appeal for petitioner no. 2.

3. Permission is granted.

4. Accordingly, this application for petitioner no. 2 is dismissed as withdrawn.

5. This application will now survive only for petitioner no. 1 and 3.

6. This application, for grant of anticipatory bail, arises



out of Khaira Police Station Case No. 301 of 2024, disclosing offences under Sections 126(2), 115, 74, 318(4), 338, 336(3), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

7. The prosecution case, as per the First Information Report, is that on 27.12.2024 FIR has been lodged alleging that on 19.12.2024 due to land dispute in order to grab the land purchased by the informant, the petitioner nos. 1 and 3 along with other accused persons demanded rangdari and prevented construction upon the land purchased by the informant.

8. Learned counsel for the petitioner submits that petitioner also purchased a piece of land situated at Khata No. 94, Survey Plot No. 1172 having an area of 2 Katha, 15 dhur at Mauja Khaira. The plot is having total area of 9 Katha 3 dhur out of which the informant claims that he has purchased 2 katha 15 dhur. The petitioner no. 3 and others are the bona fide purchaser of the piece of land and in order to disturb the petitioner and other purchasers the informant has lodged a false and concocted case. Proceeding under Section 144 Cr.P.C. has been initiated and civil suit bearing Title Suit No. 1122 of 2024 has been lodged by the petitioner no. 3 against the informant and others pertaining to the subject land. No injury has been caused to the informant or any other person.

9. Learned counsel for the informant vehemently



opposed the prayer for anticipatory bail and submits that the petitioners are specifically named in the FIR and they tried to grab the land of the informant and prevented him from making contradiction over his purchased land.

10. Having regard to the submissions made by the parties and taking into consideration the nature of allegation and the fact that both the parties are purchasers from the same piece of land having a different area and the title suit is pending between them, I am inclined to grant anticipatory bail to petitioner nos. 1 and 3.

11. This application is, accordingly, allowed.

12. Let the petitioner nos. 1 and 3, above named, in the event of his arrest or surrender before the Court below within four weeks, be released 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 learned Judicial Magistrate 1st Class, Chapra, in connection with Khaira Police Station Case No. 301 of 2024, subject to the condition laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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