

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20021 of 2025

Arising Out of PS. Case No.-103 Year-2023 Thana- COMPLAINT CASE District- Banka

1. Muneshwar Jha son of Late Jay Narayan Jha, P.O. Barhouna, village- Gorba, P.S.- Barahat, Dist- Banka
2. Sita Jha wife of Muneshwar Jha, P.O. Barhouna, village- Gorba, P.S.- Barahat, Dist- Banka

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dewakar Jha son of Late Shiv Narayan Jha village- Gorba, PO- Barhouna, ps- Barahat, Dist- Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Keshab Raj, Advocate
For the State	:	Mr. Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 24-07-2025 Heard Mr. Keshab Raj, learned counsel for the petitioners and Mr. Upendra Kumar, learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 103 of 2023 registered for the offences punishable under Section 420 of the Indian Penal Code

3. As per complaint petition, it is stated that after the death of his father, the joint family property was partitioned. The accused petitioners wrongfully transferred the title of complainant's share of land without informing the complainant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in



the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioners have not committed any offence as alleged in the complaint petition. As per allegation in the complaint petition, the complainant has alleged that after the death of his father the petitioner no. 1 has wrongfully transferred the title of the complainant's share of land in favour of petitioner no. 2 without informing the complainant. Learned counsel for the petitioner submits that petitioner has transferred the land in question in favour of petitioner no. 2 who is wife of petitioner no. 1 and he has transferred the land in question in favour of the petitioner no. 2 in the compelling circumstances and apart from that the land in question was partitioned in favour of petitioner no. 1 so he has transferred the same in favour of petitioner no. 2.

5. Learned counsel for the Complainant as well as learned APP for the State has opposed the prayer for anticipatory bail of the petitioners. Learned counsel for the Complainant submits that the petitioners have transferred the valuable portion of joint property of land in favour of petitioner no. 2 and the petitioners have not the legal right over the land in question and apart from that petitioner no. 1 carries one more case other than the present one and petitioner no. 2 having clean



antecedent.

6. Considering the aforesaid facts that the petitioner no. 1 has transferred the land in question in favour of petitioner no. 2 which he has received from the family partition, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Banka in connection with Complaint Case No. 103 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ Section 482(2) of BNSS, 2023 and with other following conditions :-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Ibrar//-

U		T	
---	--	---	--

