

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21899 of 2025

Arising Out of PS. Case No.-125 Year-2024 Thana- Jagdishpur District- West Champaran

1. Nagina Yadav Son of Bishun Yadav Resident of Village - Jagdishpur Tola, Diuliya, P.S. - Jagdishpur, District - West Champaran
2. Jatan Yadav Son of Butai Yadav Resident of Village - Jagdishpur Tola, Diuliya, P.S. - Jagdishpur, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Md. Fahimuddin, APP
For the Informant	:	Mr. Binod Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-04-2025 Heard learned counsel for the petitioners, learned counsel for the Informant and learned APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Jagdishpur P.S. Case No.-125 of 2024, dated 17.11.2024 registered for the offences punishable under Sections 338, 336(2), 336(4), 340(2), 118(2), 308(2) and 61(2) of Bhartiya Nyay Sanhita.

3. The prosecution case as emerging from the FIR, the land of the informant has been sold by accused No. 1, namely, Akhilesh Ranjan Sinha to co-accused, Nagina Yadav and Jatan Yadav, who are petitioners herein, without any title and now the



petitioners are bent upon to dispossess the informant who is in possession of the property by force and he is even asking for Rs. one crore for relinquishing his right in favour of the informant.

4. Learned counsel for the petitioners submits that the Petitioners are innocent and have falsely been implicated in this case. He further submits that they have purchased the land from the co-accused, Akhilesh Ranjan Sinha after paying consideration amount and as per the sale-deed, the seller, co-accused has title to the property and hence, no offence is made out against the informant, Rajesh Kumar Sinha. He also submits that alleged facts and circumstances at most constitute a dispute of civil nature.

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 been made accused in another case in which he is on bail whereas petitioner No. 2 has no criminal antecedent.

7. Learned APP for the State and learned counsel for the Informant vehemently oppose the prayer of the Petitioners for bail submitting that the document has been created by the



petitioners in collusion with the co-accused, Akhilesh Ranjan Sinha, on the basis of fake claim. He further submits that the petitioners are bent upon to dispossess the informant by force and asking money for relinquishing his right in the property.

8. I considered rival submissions of the parties and perused the material on record.

9. From the FIR, it transpires that there is rival claim of the informant, Rajesh Kumar Sinha and accused Akhilesh Ranjan Sinha regarding title to the land in question and as per Rajesh Kumar Sinha, the petitioners have purchased the land from Akhilesh Kumar Sinha and seeking possession of the property by force. As per learned counsel for the petitioners, they have purchased the land in question after paying consideration amount to the seller who has title to the property, and who was already in possession of the property and now he has got possession from the seller but the informant is interfering in peaceful possession of the property.

10. As such, it transpires that the dispute is of civil nature and both the parties have remedy in civil law by way of filing appropriate suits.

11. 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 learned concerned Court, in connection with Jagdishpur P.S. Case No. 125 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC 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.)

Ramesh,S.Ali/-

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