

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26955 of 2025

Arising Out of PS. Case No.-2999 Year-2023 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Nisha Devi W/o- Late Chandradeo Rai Resident of Village- Sahbajiya PS- Rajepur District- East Champaran
 2. Vinod Kumar S/o- Late Chandradeo Rai Resident of Village- Sahbajiya PS- Rajepur District- East Champaran
 3. Sunil Kumar S/o- Late Chandradeo Rai Resident of Village- Sahbajiya PS- Rajepur District- East Champaran
 4. Fuldev Rai S/o- Late Hanslal Rai Resident of Village- Sahbajiya PS- Rajepur District- East Champaran
 5. Baiju Rai S/o- Lal Rajmangal Rai Resident of Village- Sahbajiya PS- Rajepur District- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Chandan Kumar S/o- Mahesh Rai Resident of Village- Sahbajiya PS- Rajepur District- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Karandeep Kumar, Advocate
For the State	:	Ms. Renu Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 06-05-2025 Heard learned counsel appearing on behalf of the
petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a complaint case registered for the offence punishable under Sections 420, 323 and 34 of the Indian Penal Code.

3. The case of the complainant, in brief, is that his father, namely Mahesh Rai, had purchased a land appertaining to Khata No. 99, Khesra No. 235 area 2 katha and 7 dhur from



his co-villager, namely Hardev Rai, through registered sale deed on 28.01.2006 in the name of the complainant and his brothers, namely Nand Lal Kumar and Sant Lal Kumar. It is alleged that on 28.02.2023, Petitioner Nos. 1, 2 and 3 fraudulently sold the land of complainant to Petitioner No. 5 and Petitioner No. 4 is identifier of the alleged sale deed. It is further alleged that when the complainant went to cultivate his said land, all the named accused persons, including these petitioners, prevented the complainant and abused and assaulted him. When mother of the complainant came to save him, Petitioner No. 5 torn her clothes, Petitioner No. 3 snatcher her *Mangalsutra* worth of Rs. 40,000/- and Petitioner No. 2 took out her gold chain worth of Rs. 60,000/-. It is further alleged that all the accused persons demanded Rs. 2,00,000/- from the complainant as extortion money.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence as alleged in the complaint petition. As a matter of fact, the land pertaining to Khata No. 99, Khesra No. 235, Mauza- Sahbajiya, Thana No. 178, Tauzi No. 1046, Anchal- Mehshi having total Area 7 katha was purchased by husband of Petitioner No. 1, namely Chandradeo Rai, from one



Jaylal Prasad through registered sale deed on 10.06.1974 and thereafter, the land was mutated in name of husband of Petitioner No. 1 and they came in peaceful possession over the land and after death of Chandradeo Rai, Petitioner No. 1, along with her sons i.e. Petitioner Nos. 2 and 3, came in peaceful possession over the same. Thereafter, Petitioner No. 1, having right, title and possession, transferred the land through two registered sale deeds bearing Sale Deed No. 1520 dated 28.02.2023 and Sale Deed No. 1521 dated 28.02.2023 in favour of Raushan Kumar and Vishwash Kumar, who are grandsons of Petitioner No. 1 and further, Petitioner No. 1, along with her grandsons, under guardianship of Petitioner Nos. 2 and 3, transferred the land through registered deed of sale bearing Sale Deed No. 6146 dated 10.08.2023 in favour of Petitioner No. 5 and thereafter, he came in peaceful possession over the land in question. Thus, the petitioners have sold the land over which they have right, title and possession. It is further submitted that from bare perusal of the complaint petition it is apparent that the dispute is with regard to sale and purchase of land, which is purely civil in nature and for which complaint has got alternative remedy. Rest of the allegations are ornamental, in order to make the case grievous.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the nature of accusation, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged 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, East Champaran, Motihari in connection with Complaint Case No. C-2999 of 2023, subject to conditions as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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