

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22251 of 2025

Arising Out of PS. Case No.-1166 Year-2018 Thana- SAMASTIPUR COMPLAINT CASE
District- Samastipur

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Naresh Prasad Kunwar @ Naresh Prasad Kumar Son of Late Pandab Prasad Kumar @ Late Durgesh Charan Prasad Kunwar R/O Village- Fulhara, P.S.- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

- 1 . The State of Bihar
2. Sundeshwar Rai Son of Late Nandipat Rai R/O Vill- Kalyanpur, Ward No. 04, P.S.- Kalyanpur, District- Samastipur

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Kumari Rashmi , Advocate
		Mr. Shailendra Kumar singh, Advocate
For the Opposite Party/s :		Mr. Umeshanand Pandit , APP
For Complainant	:	Mr. Dharendra Kumar , Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-04-2025 Heard learned counsel for the petitioner, informant and the State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 323 , 341 , 420 and 504 of the Indian Penal Code .

3 . As per the prosecution case , complainant namely Sudheshwar Rai alleged that a piece of land (Khata No. 44, Khesra No. 1370) purchased by his mother through a registered sale deed which was sold by this petitioner on 17.05.2017 using forged documents. It is further alleged that this petitioner in conspiracy with other co-accused persons obtained forged



documents from Sub- registration Office , Kishanpur.

4. Learned counsel for the petitioner submits that petitioner is bonafide purchaser of land in question. The land in question was purchased by father of petitioner namely late Pandab Prasad Kumar @ Durgesh Charan Prasad Kunwar who had purchased the land in question on 06.05.1952 from one Muneshshwar yadav (Uncle of complainant) vide Old Khata No. 44, New Khata No. 188 , Old Khesra No. 1370, New Khesra No. 2543 , Area 5 Kattha 15 dhur through registered sale deed at Sub-registration Office, Kisanpur, Waris Nagar, Samastipur. After purchase of the aforesaid land, father of petitioner has possession over the land in question and thereafter, he started paying regular revenue payment to the Government of Bihar since 1952. The father of petitioner had also constructed four rooms on the aforesaid land in which complainant/Opposite party No. 2 was tenant of petitioner and after some years, complainant stopped paying rent and also refused to vacate room/shop of petitioner then father of petitioner filed Title Suit No. 40 of 1981 (*Pandab Prasad Kunwar alias Duregesh Charan Prasad Kunwar- Plaintiff Vs. Sundeshwar Rai and others*) before learned Munsif First Munsif First, Samastipur over land in question . Moreover, the



dispute involved in this case is purely civil in nature . Petitioner claims clean antecedent.

5 . Learned counsel for the State and informant opposed the bail petition of the petitioner.

6. Considering the fact that dispute involved in this case is purely civil in nature , clean antecedent of petitioner and circumstances of the case , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Samastipur in connection with Complainant case No. 1166 of 2018 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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