

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21854 of 2025

Arising Out of PS. Case No.-1208 Year-2024 Thana- SIWAN COMPLAINT CASE District-
Siwan

-
1. Mirtunjay Tiwari S/O Late Kailash Tiwari Resident Of Village- Chakari, P.S- Darauli, Distt.- Siwan.
 2. Rajesh Kumar Pathak S/O Shri Radha Mohan Pathak R/O Village- Narauli, P.S- Darauli, Distt.- Siwan.
 3. Sanjay Pathak S/O Late Krishna Mani Pathak R/O Village- Narauli, P.S- Darauli, Distt.- Siwan.
 4. Vinod Pathak S/O Radha Raman Pathak R/O Village- Narauli, P.S- Darauli, Distt.- Siwan.
 5. Rajesh Kumar Pandey S/O Prabhunath Pandey R/O Village- Harpur, P.S- Guthani, Distt.- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Sushil Kumar Mishra S/O Dinesh Mishra R/O Village- Narauli, P.O- Amarpur, P.S- Darauli, Distt.- Siwan, Pin code- 841234.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Rampravesh Nath Tiwari, Advocate
For the Opposite Party/s :	Mr.Sanjay Kumar Tiwary, Advocate
	Mr. Krishna Kant Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 01-05-2025 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Complaint Case No. 1208 / 2024 dated 29.06.2024 registered under Sections 323, 324, 341, 420, 467, 468 and 506 / 34 of the I.P.C. and section 27 of the Arms Act.

3. As per the complaint the petitioner no. 1 fraudulently sold the land of the complainant in favour of the petitioner no. 2 in



which the petitioner no. 3 is the identifier, the petitioner no. 5 is a witness and the petitioner no. 4 allegedly snatched Rs. 70,000/- from the complainant and assaulted by iron rod due to which his finger got fractured.

4. Learned counsel for the petitioners submits that from perusal of the complaint petition prima facie it appears that there is civil dispute between the parties. The petitioner no. 2 purchased the land in question from the petitioner no. 1 who claims his title through his mother who happens to be the sister of one Chindrika Mishra and after his death the land devolved in favour of mother of the petitioner no. 1. He further submits that though there is allegation against the petitioner no. 4 of assault by iron rod but no injury report has been brought on record

5. On the other hand, learned counsel for the complainant submits that complainant purchased the land on 03.01.2024 by three sale deeds from the rightful owner of the property of the land whereas the sale deed executed in favour of the petitioner no. 2 is dated 03.06.2024 and even if the contention of the petitioner is accepted that petitioner no. 1 was having share in the land but he has sold the land more than the share for which he may be entitled for. He further submits that mutation in the name of complainant has already been done and when petitioner



no. 2 approached for mutation his mutation has been rejected by the circle officer. Petitioner no. 1 & 2 even failed to produce the genealogical table before the learned circle officer. He also submits that process under section 82 Cr.P.C. has also been issued against the petitioners.

6. Regard being had to the submission made by the parties, taking into consideration the nature of dispute and the fact that both the parties are claiming their title upon the subject land accordingly, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of JM 2nd class, Siwan / successor court in connection with Complaint Case No. 1208 / 2024 subject to the condition as laid down under Section 482 (2) of the B.N.S.S. 2023.

(Anil Kumar Sinha, J)

praful/-

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

