

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25042 of 2025

Arising Out of PS. Case No.-39 Year-2023 Thana- MOTIHARI TOWN District- East
Champaran

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1. Sanjay Thakur, Son of Late Ram Narayan Thakur, Resident of village - Sarotar, PS- Dumariyaghat, Dist- East Champaran
 2. Avnish Kumar, son of Sanjay Thakur, Resident of village - Sarotar, PS- Dumariyaghat, Dist- East Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vibha Kumari, wife of Ritesh Kumar, Resident of village - Sarotar, PS- Dumariyaghat, Dist- East Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-05-2025 Heard Mr. Abhishek Kumar, learned counsel

appearing on behalf of the petitioners and Mr. Lalan Kumar,

learned APP for the State.

2. The petitioners seek pre-arrest bail in connection
with Town P.S. Case No. 39 of 2023 registered for the
offence(s) punishable under Sections 420, 467, 468, 471, 384,
504, 506, 34 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
informant has alleged that certain piece of land, belonging to
her, mentioned in the sale deed dated 25.11.2022, has been
purchased in the name of the wife of the petitioner no.1 namely



Sanju Devi and the said sale deed was executed, on the basis of false and fabricated documents, by one Sudama Thakur son of Bishun Thakur.

4. Learned counsel appearing on behalf of the petitioners submitted that petitioners are innocent and they have falsely been implicated in the present case. The informant has alleged that on the basis of false and fabricated documents, in respect of her own ancestral property of 5.81 dismil appertaining to Khata No.220 Khesra 4327, a sale deed dated 25.11.2022 was executed by one Sudama Thakur, son of late Bishun Thakur, in the name of the wife of the petitioner no.1 namely Sanju Devi. Learned counsel submitted that if the informant is aggrieved by the said sale deed, she has remedy of getting the sale deed canceled by providing the documents, which show that the land in question belongs to her. In respect of the land described above, the petitioners have brought on record the revenue receipt in respect of the year 2009-10 and 2011-12. Other co-accused have been granted bail by this Court vide order dated 11.03.2024 passed in Cr. Misc. No.12708 of 2024 (Annexure 3). On these grounds the petitioners seek to be released on bail.

5. Learned APP for the State vehemently opposed the



prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties, as well as, having perused the FIR and the documents and information contained in the bail application, I find that by the registered sale deed dated 25.11.2022, petitioner's wife has purchased land from one co-accused Sudama Thakur. In respect of the land described above, the petitioners have brought on record the revenue receipt in respect of the year 2009-10 and 2011-12. The dispute being purely civil in nature, I find, in light of the observation made by the Apex Court in the case of ***Bimla Tiwari vs. State of Bihar & Ors.*** passed in ***SLP (Crl.) Nos. 834-835 of 2023***, the petitioners have, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their 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 learned Chief Judicial Magistrate, Motihari, East Champaran in connection with Town P.S. Case No. 39 of 2023, subject to the conditions as laid down under Section 482(2) of the BNSS.



8. The District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners is involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

(Purnendu Singh, J)

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