

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26641 of 2025

Arising Out of PS. Case No.-324 Year-2024 Thana- COMPLAINT CASE - PATNA CITY
District- Patna

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1. Ashok Pathak @ Srikant Pathak, Gender- Male, aged about 56 years,
 2. Umakant Pathak, Gender- Male, aged about 59 years,
Both S/o Late Brij Bihari Pathak, r/o village- Bishambharpur, P.S.- Bihata,
Distt.- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suresh Tiwari, S/o Late Mahendra Tiwari, resident of village and P.O.-
Lanka Kachhuara, P.S.- Gaurichak, Distt.- Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mritunjay Prasad Singh, Advocate
For the State	:	Mr. Amitesh Kumar, APP
For the OP No.2	:	Mr. Bhola Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 07-05-2025 Heard learned counsel for the petitioners; learned

Additional Public Prosecutor for the State as well as learned

counsel for the opposite party no.2, who has appeared *suo motu*.

2. The petitioners apprehend arrest in connection with

Complaint Case No.324 of 2024 dated 06.04.2024, instituted

under Sections 406, 420, 506 of the Indian Penal Code.

3. The allegation against the petitioners is that they

took the original sale deeds from the complainant on the pretext

of showing the same to a prospective buyer of the land, but they

did not return the same and also misbehaved with the

complainant when he demanded the sale deeds.



4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is submitted that in the year 1952, Kunti Devi, was married with Braj Bihari Tiwary, father of the petitioners. It is submitted that the grand father-in-law of the Kunti Devi, who is mother of the petitioners, executed three registered sale deeds of the year 1945 and 1946 to Kunti Devi and since then all the three sale deeds are in possession of the mother of the petitioners. It is further submitted that on the basis of the sale deeds name of Kunti Devi was mutated in the revenue records. After vesting of *zamindari*, the Govt. of Bihar issued rent receipt in the name of Kunti Devi. It is further submitted that the mother of the petitioners has sold some land of Plot No.846 to one Sheo Prasad Paswan, who came in possession of the same and constructed a house and is residing in the same. It is further submitted that during revisional survey entire land mentioned in the three sale deeds have been recorded in the name of Kunti Devi. No objection was raised either by the complainant or his ancestor with regard to said entry. It is also submitted that on 11.11.2023, Kunti Devi filed an application before the SHO, Bihta PS, against Suresh Tiwari and others regarding their illegal work over her land as well as execution of sale deed



dated 19.10.2023, in respect of her land, but till date no action has been taken by the police. It is also submitted that the complainant has not filed any suit for cancellation of the three sale deeds which are in possession of mother of the petitioners. It is also submitted that the mother of the petitioners has filed Title Suit No.557 of 2023 in the Court of the Sub Judge-1, Danapur, against Suresh Tiwari and others for declaration of her right, title and interest and also grant of injunction restraining the defendants from interfering with the peaceful possession of the petitioners and also for cancellation of sale deed dated 19.10.2023 executed by Suresh Tiwari, Akhilesh Tiwari, Rajesh Tiwari, Surajkanti Devi in favour of defendant nos. 1 to 4 of the aforesaid suit. It is a pure case of civil in nature. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail. Learned counsel for the complainant has also opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with



two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Patna City, Patna, in Complaint Case No.324 of 2024, subject to the conditions laid down in Section 482(2) of the *Bharatiya Nagarik Suraksha Sanhita*, 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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