

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28178 of 2025

Arising Out of PS. Case No.-1068 Year-2023 Thana- KAHALGAON District- Bhagalpur

1. Krishna Nand Mishra S/o Late Dharmanand Mishra R/o Vill.- Pakartalla, Ward No. 1, P.S.- Kahalgeon, Distt.- Bhagalpur
2. Om Prakash Mishra S/o Late Dharmanand Mishra R/o Vill.- Pakartalla, Ward No. 1, P.S.- Kahalgeon, Distt.- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Alpana Devi W/o Shri Sunil Kumar Kundan R/o Vill.- Kalifabag Chouk Budhanath Road, P.S.- Jogsar, Distt.- Bhagalpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh, Advocate.

For the Opposite Party/s : Mr.Surendra Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-05-2025 Heard Mr. Rajive Ranjan Singh, learned counsel appearing on behalf of the petitioners and Mr. Surendra Prasad Singh, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Kahalgeon P.S. Case No. 1068 of 2023 registered for the offence punishable under Sections 406/420/34 of the Indian Penal Code.

3. Learned counsel appearing on behalf of the petitioners submitted that as per the allegation made in the F.I.R., it is clear that the petitioners are the owner of land bearing Khata No. 368, Khesra No. 188 measuring 1440 sq. feet for which they had entered into an agreement with one Pramod Kumar and the said Pramod Kumar in turn had decided to sell



the said land to the informant Alpana Devi after accepting the consideration amount. The petitioners being the original land holder has been roped in the present case.

4. Learned APP for the State has opposed the prayer for grant of pre-arrest bail to the petitioners.

5. I have perused the order passed by the learned District Court. I find that the learned District Court has not considered the fact that the petitioners are the original land holder and they have not deceived the informant. The transaction is purely civil in nature. Law in this regard is well settled by the Apex Court in the case of **Bimla Tiwari Vs. State of Bihar & Ors. (SLP (Crl.) Nos. 834-835 of 2023.**

6. Learned District Court is directed to revisit his order dated 06.02.2025 and after giving opportunity to the respective parties pass an order in accordance with law, expeditiously well within a period of four weeks.

7. Till then, no coercive action shall be taken against the petitioners in connection with Kahalgeon P.S. Case No. 1068 of 2023

8. The bail application stands disposed of.

(Purnendu Singh, J)

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