

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40064 of 2025

Arising Out of PS. Case No.-175 Year-2024 Thana- VIJAYEPUR District- Gopalganj

1. Ram Naresh Shah @ Ram Naresh Gupta S/o Late Somari Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
2. Hari Narayan Shah S/o Ram Naresh Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
3. Govind Gupta S/o Ram Naresh Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
4. Yodha Shah @ Yodha Gupta S/o Late Radha Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
5. Ramakant Shah S/o Late Radha Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
6. Yogendra Shah S/o Late Radha Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
7. Shyam Bali Shah S/o Late Shukai Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj
8. Brajesh Gupta @ Brijesh Gupta S/o Chhedi Shah R/o- Village- Madar Khas, P.S.- Vijaipur, Distt.- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Priya Raj, Advocate.
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Naresh Prasad, Advocate.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 01-09-2025 1. Heard learned counsel for the petitioners and learned A.P.P. for the State along with learned counsel appearing on behalf of the informant.
2. Learned counsel for the petitioners at the outset seeks permission to withdraw the anticipatory bail application with respect to petitioner no.1, namely, Ram Naresh Shah @



Ram Naresh Gupta, who was arrested during pendency of the instant anticipatory bail application.

3. Permission is accorded.

4. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 318(4), 336(3), 340(2), 3(5) of the B.N.S.S.

5. Learned counsel for the petitioners submits that petitioner no.2 and 3 have antecedent of three cases, as pleaded in the supplementary affidavit. It is next submitted that petitioner no.4, 5, 6, 7 and 8 are persons with clean antecedent. The learned counsel further submits that informant alleges that the accused persons in the year 1955 got fraudulent documents created in respect of his ancestral land and got the same mutated in the name of Govardhan, accordingly, the informant on coming to know about the said misdeed, got the jamabandi created in the name of Govardhan cancelled in the Court of Additional Collector, it is further alleged that thereafter the accused persons came on the land of the informant and threatened him with dire consequences.

6. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the



allegation as alleged in the FIR, it would manifest that the dispute is civil to which a criminal colour has been given. It is also submitted that the document based on which the petitioners are claiming the land is of the year 1955. It is also submitted that the Additional Collector cancelled the jamabandi created in the name of Govardhan without hearing the petitioners. It is further submitted that petitioners have filed Jamabandi Cancellation Appeal No.29/2024 against the ex-parte order passed by the Additional Collector cancelling the jamabandi standing in the name of Govardhan. It is further submitted that if informant is aggrieved by the fact that petitioners based on a document of the year 1955 are claiming the land in dispute, in that event, the informant ought to have approached a Court of competent civil jurisdiction for getting the sale deed with respect to the land executed in the year 1955 instead of filing a criminal case.

7. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioners but are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that petitioners have assailed the order passed by the Additional Collector in appeal before the Collector and



that the document is of the year 1955.

8. Learned counsel appearing on behalf of the informant submits that petitioner no.5 Ramakant Shah has not approached this Court with clean hands. It is submitted that in the anticipatory bail application and in the supplementary affidavit, it has been pleaded that Ramakant Shah is a person with clean antecedent but then he carries antecedent.

9. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on **provisional anticipatory bail** on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned trial court where the case is pending/successor court in connection with Vijaipur P.S. Case No.175/2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S.

10. It is made clear that thereafter the learned trial court shall verify the criminal antecedents of the petitioners and in the event if it is found that petitioner no.2 and 3 have antecedent of more than three cases and petitioner no.4, 5, 6, 7 and 8 have antecedent of even one case, in that event, it would



be presumed that petitioners had concealed their antecedent before this Court, as such, the provisional anticipatory bail order shall not be confirmed with respect to those petitioners whose criminal antecedent is found more than what is pleaded in the anticipatory bail application but if it is found that petitioner no.2 and 3 have antecedent of three cases and petitioner no.4, 5, 6, 7 and 8 are persons with clean antecedent, in that event, the provisional anticipatory bail shall be confirmed forthwith.

(Satyavrat Verma, J)

amit/-

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

