

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36143 of 2025

Arising Out of PS. Case No.-363 Year-2024 Thana- KOTWA District- East Champaran

1. Rambha Devi W/o Late Nagendra Ray
2. Rakesh Kumar Yadav Son of Late Jagat Prasad Yadav
Both are R/o village-Deepauu ,P.S.-Kotwa, District -East Champaran, Motihari
3. Ramvilash Prasad son of Gopi Mahto R/o Village- Amwa, P.S-Kotwa, District -East Champaran, Motihari
4. Nageshwar Prasad Son of Late Yadolal Prasad village- Ramgadhwa, PS- Ramgadhwa, District- East Champaran, Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunny Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 05-06-2025

1. At the outset, it is submitted by learned counsel for the petitioners that the petitioner no.2 Rakesh Kumar Yadav having been arrested during pendency of this application, he seeks permission to withdraw the application so far as petitioner no.2 is concerned.

2. The application so far as petitioner no.2 is concerned, stands dismissed as withdrawn.

3. Heard learned counsel for the parties.

4. The petitioners in this application pray for bail apprehending their arrest in connection with Kotwa P.S. Case



no.363 of 2024 registered for the offence punishable under sections 318(1), 338, 336(1), 340(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

5. As per the prosecution case, the informant states that Rambha Devi (petitioner no.1) purchased the land belonging to the informant from Nageshwar Prasad (petitioner no.4) wherein the petitioner nos.2 and 3 were witnesses. It is further stated that on the basis of the said registered sale deed, the accused persons made an attempt to take legal possession over the land in question.

6. Learned counsel for the petitioners submits in reference to the genealogical table brought on record as Annexure-2 to the petition that both the informant and Nageshwar Prasad are descendants of the common ancestor Late Phulchand Sah. From the reading of the FIR itself, it would transpire that the dispute is purely civil in nature wherein as per the case of the informant his share of land has been sold by Nageshwar Prasad to the petitioner no.1. The petitioners have no criminal antecedent and referring to the contents of the order of the learned trial Court, it is submitted that the informant has not even filed any suit in the Civil Court to cancel the said sale deed.



7. The application for bail is opposed by learned A.P.P. for the State.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioners in the FIR, the informant and petitioner no.4 being descendants of common ancestor together with the matter relating to execution of sale deed and the petitioners having no criminal antecedent, it is directed that the petitioner nos.1, 3 and 4 above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Kotwa P.S. Case no.363 of 2024 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Motihari, East Champaran.

(Partha Sarthy, J)

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