

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57707 of 2024

Arising Out of PS. Case No.-28 Year-2022 Thana- KHAJEKALA District- Patna

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1. Gopal Prasad Roy Son of Late Munnu Prasad Yadav Resident of Rai Jai Krishna Road, Gurhatta, P.S.- Khajekala, District - Patna
 2. Amit Kumar Son of Gopal Prasad Roy Resident of Rai Jai Krishna Road, Gurhatta, P.S.- Khajekala, District - Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjay Kumar Son of Late Lala Prasad Yadav Resident of Mohalla - Gurhatta, P.S.- Khajekala, District - Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Singh, Adv
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 16-06-2025 Heard learned counsel for the petitioner and Learned
APP for the State.

2. Petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 447, 448, 506, 467,
468, 420, 471/34 of the Indian Penal Code

3. Despite issuance of notice, O.P. No. 2 has not appeared
in the present proceeding.

4. The allegation in the FIR is that the petitioner no. 1,
Gopal Prasad Roy has been selling small units out of the plot
which was purchased by the informant by creating forged
documents and has also illegally lodged one person in the said



room and has also been threatening of dire consequences. In the last part of the FIR, there is general allegation against both the petitioners along with others that they are all in collusion with each other and are trying to alienate the plots of land which belong to the informant.

5. Learned counsel for the petitioner submits that the informant has very cleverly concealed the fact that the parties are own agnates rather petitioner no. 1 happens to be the own paternal uncle of the informant. It has also been submitted that the plot of land which is being claimed by the informant was actually mutated in the name of the petitioner's father and his name was also entered in the revenue records. Further Title Suit no. 423 of 1989 is also subjudice before the court and a perusal of the said document, which has been annexed as Annexure-P-2 would show that the informant's name is nowhere there. It has further been submitted that in the aforesaid suit restraining order has also been passed on 07.05.2004. Further it has also been submitted that the partition between the father of the petitioner and father of the informant and also other agnates had happened way back in the year 1984 and the partition agreement has also been brought on record as Annexure-P-3 to the present petition. Lastly it has been



submitted that it is a dispute which is purely civil in nature in between the family members.

6. Learned APP for state opposes the bail application.

7. Considering the above mentioned facts and circumstances and also the nature of dispute, I am inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, in the event of his arrest/ surrender within a period of four weeks from today the petitioner shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand)with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/ successor court in Khajekala P.S Case No. 28 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C and subject to the further condition that the petitioner shall co-operate in investigation/ trial.

(Soni Shrivastava, J)

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