

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48813 of 2025

Arising Out of PS. Case No.-1227 Year-2023 Thana- KHAGARIA District- Khagaria

1. Naveen Kumar, S/o Mithlesh Prasad Yadav @ Mithlesh Kumar @ Madan Kumar, R/o vill - Sonbarsa, P.S.- Chautham, Distt.- Khagaria and present R/o Mohalla - Sameer Nagar, ward no. 28, Koshi Collage Near Home Guard
2. Dhananjay Prasad Chaudhary @ Dhananjay Prasad, S/o Bhupendar Chaudhary, R/o vill - Maujmawad, P.S.- Bihpur, Distt.- Bhagalpur
3. Mirtunjay Prasad Chaudhary, S/o Bhupendar Chaudhary R/o vill - Maujmawad, P.S.- Bihpur, Distt.- Bhagalpur
4. Sikandar Prasad @ Sikandar Yadav, Son of Late Janak Prasad Yadav, Deed Writer, Address- Sadar Registration office, Khagaria.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Budhilal Yadav, Advocate
For the State	:	Mr. Umanath Mishra, APP
For the Informant	:	Mr. Jaishankar Poddar, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 30-07-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Khagaria (Muffasil) PS. Case No-1227 of 2023 Dated- 04.12.2023, registered for the offences punishable under Sections 419, 420, 467, 468, 471, 427/34 of the Indian Penal Code.

3. The FIR has been lodged by the informant for the alleged sale of his land by some accused in favour of other co-



accused and even the sub-registrar of the Registry Office has been also implicated as an accused. The three petitioners herein are purchasers of the land and one of them is scribe of the sale deed.

4. Learned counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this case. He further submits that the purchasers have purchased the land after paying the consideration amount and on instruction of the parties, one scribe Petitioner has prepared the deed, and hence, there is no offence made out. He further submits that after investigation, police has found the allegation untrue and he has filed final form. However, learned Magistrate has taken cognizance of the offence under Section 419, 420, 467, 468, 471, 427 IPC. He further submits that the alleged facts and circumstances constitute at most a dispute of civil nature because as per the recital in the sale deed the seller of the land, who are co-accused, have their title in the property, whereas the informant is claiming his own title to the property. Such facts and circumstances at most constitute a dispute of civil nature and no criminality is involved in the whole transaction.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier



either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner no.1 has been made accused in four other cases whereas, the petitioner nos.2, 3 & 4 have no criminal antecedents.

7. learned APP for the State as well as learned counsel for the Informant vehemently oppose the prayer of the Petitioner for bail submitting that the sale and purchase of the land belonging to the informant has been done by the persons in connivance with each other.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Khagaria (Muffasil) PS. Case No-1227 of 2023, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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