

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58917 of 2025

Arising Out of PS. Case No.-100 Year-2025 Thana- CHAUTHAM District- Khagaria

Hemraj Singh @ Hamraj Kumar S/o Sajjan Prasad Singh @ Sajjan Singh R/o
Village- Sonvarsha, P.S.- Choutham, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Mrityunjay Kumar
For the Opposite Party/s	:	Mrs.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 13-10-2025 1. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 319 (2),
318 (4), 338, 336 (3), 3(5) of B.N.S.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that Jamabandi No.88 and 89 were created in the name
of his father and his Uncle with regard to the land in dispute and
the rent is being paid regularly. It is further alleged that
Kapildeo Singh, Parwati Devi, Hemraj Singh (petitioner) and
Ram Swarup Singh in conspiracy got the name of Ram Swarup
Sah entered and got Jamabandi No.377K, 471, 399 and 552
created with respect to the land in dispute in their name when



Jamabandi No.88 and 89 are still intact. It is next alleged that the informant accordingly filed Cr.W.J.C. No.1149 of 2016 before this Court and the Court found that Jamabandi No.88 and 89 are still intact and directed the A.D.M., Khagaria to cancel the Jamabandi created in the name of the accused persons and also directed the State Authorities to institute an F.I.R. against the accused persons. It is further alleged that the A.D.M., Khagaria cancelled the aforesaid Jamabandi in Jamabandi Cancellation Case No.3/16-17 and order cancelling Jamabandi was affirmed by the Collector and Commissioner. Further, the S.H.O. Rajeev, thereafter called the informant where Dr. Jaykant Singh s/o Ram Swarup Singh was present and threatened the informant, accordingly informant informed the Superintendent of Police about the occurrence vide his letter dated 17.12.2024, further on 21.04.2025, Vipin along with 20-25 unknown accused looted his wheat crop and it is next alleged that the accused persons intend to grab his land, further earlier, Patel Singh husband of Parwati Devi had looted the wheat crop.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegations as alleged in the F.I.R. it would manifest that the



informant alleges that this Court in Cr.W.J.C. No.1149 of 2016 directed the A.D.M., Khagaria to cancel the Jamabandi created in the name of the accused persons and directed the State Authorities to institute an F.I.R. against the accused persons for the reason that Jamabandi no. 88 and 89 are still intact but then it is submitted that from perusal of the order dated 16.05.2017 passed in Cr. W.J.C. No.1149 of 2016, it would manifest that Cr.W.J.C. No.1149 of 2016 was disposed of observing that the case was premature as Jamabandi cancellation case was pending adjudication before the A.D.M., Khagaria and the State Authorities were directed to see whether F.I.R. can be lodged, if circumstances, justify, hence, it is submitted that the Writ Court never gave any positive direction for cancelling the Jamabandi and for instituting an F.I.R. It is further submitted that no doubt parties disputing, but then the land in dispute was purchased by the petitioner by sale deed dated 13.08.1997 from Nawal Sah as would manifest from Annexure-3 to the Supplementary affidavit. It is next submitted that thereafter Jamabandi No.399 was created in favour of the petitioner and petitioner in the year 2012 sold the said land by a registered sale deed dated 16.11.2012 in favour of Ram Swarup Singh as would manifest from Annexure-3/1 to the supplementary affidavit. It is further



submitted that no doubt the Jamabandi created in the name of the petitioner and other accused persons have been cancelled and affirmed by the Commissioner but then petitioners are availing their remedies available in law. It is also submitted that merely because Jamabandi stands cancelled that in itself does not give a cause of action to the informant for instituting an F.I.R., it is submitted that had the Authorities been of the opinion that fraud has been committed, in that event, the State Authorities would have instituted an F.I.R. It is next submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Choutham P.S. Case No. 100 of 2025, subject to the conditions as laid down



under Section 482 (2) of BNSS.

7. Accordingly, the instant anticipatory bail application stands allowed.

(Satyavrat Verma, J)

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