

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.67364 of 2024

Arising Out of PS. Case No.-304 Year-2023 Thana- KANTI District- Muzaffarpur

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1. Vikash Kumar Rai Son of Vinod Rai R/o Village- Sadatpur Kanti, P.S.- Kanti, District- Muzaffarpur
 2. Subhash Kumar Rai Son of Vinod Rai R/o Village- Sadatpur Kanti, P.S.- Kanti, District- Muzaffarpur
 3. Anshu Kumar Rai Son of Vinod Rai R/o Village- Sadatpur Kanti, P.S.- Kanti, District- Muzaffarpur
 4. Vinod Rai Son of Late Binda Rai R/o Village- Sadatpur Kanti, P.S.- Kanti, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rinku Kumari Wife of Abhay Kumar R/O Vill.- Karnaul Chaturbhuj, P.S.- Sahebganj, Dist.- Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukund Jha, Advocate
For the State	:	Mrs. Renu Kumari, APP
For the O.P. No.2	:	Mr. Rakesh Ranjan, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA

ORAL ORDER

6 13-08-2025 Heard learned counsel for the petitioner, learned APP for the State and learned Counsel for the informant.

2. After some arguments, learned counsel for the petitioners prays for withdrawal of anticipatory bail application on behalf of petitioner no.4, namely, Vinod Rai in order to surrender and seek regular bail.

3. Permission is granted.

4. This application is dismissed as withdrawn on behalf of petitioner no.4 with liberty that if the petitioner no.4 surrenders and seeks regular bail within a period of four weeks before the learned Court below, the same shall be considered on its own merit without being prejudiced by the present order of



withdrawal preferably on the same day as the petitioner is a man aged about 70 years.

5. The instant application survives only for petitioner nos. 1, 2 and 3.

6. The petitioners apprehend their arrest in connection with Kanti P.S. Case No. 304 of 2023 for the offence under Sections 406, 420, 467, 768 and 471 of the Indian Penal Code.

7. The allegation in the F.I.R is that the informant purchased a piece of land from Vinod Rai (petitioner no.4) on 24.04.2019 and subsequently, she got to know that the said land was already sold to other persons and hence, she was stopped from fixing of gates.

8. Learned counsel for the petitioners submits that the informant/opposite party no.2 had purchased the said land by way of registered sale deed and the land was also mutated in her name. There is no dispute with regard to the said land and as a matter of fact some dispute was raised with regard to fixing of the the gate and hence the present F.I.R came to be lodged. It is further submitted that other persons have different chunks of land in the same *Khata* and *Khesra* and hence, no fraud has been committed. The petitioners have been made accused only for the reason that they happen to be the sons of Vinod Rai who had



executed the sale deeds. The petitioners have no criminal antecedent and undertake to co-operate in case/trial.

9. Learned opposite party no.2 opposes the grant of anticipator bail and has brought on record, by way of counter affidavit, the sale deeds which were executed to other persons allegedly with respect to the same land.

10. In view of the aforesaid facts of the case, it is directed that the petitioner nos. 1, 2 and 3, namely, Vikash Kumar Rai, Subhash Kumar Rai and Anshu Kumar Rai 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 Kanti P.S. Case No. 304 of 2023 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 Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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