

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62871 of 2025

Arising Out of PS. Case No.-653 Year-2023 Thana- COMPLAINT CASE - BARH District-
Patna

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1. Harinandan Ray @ Harinandan Prasad @ Harinandan Prasad Rai S/O Late Ramji Ray R/o 175 Dedaur, P.S.- Bhatikyarpur, P.O.- Dedur, Patna, Bakhtiyarpur, Bihar- 803212
 2. Gita Devi W/O Harinandan Ray @ Harinandan Prasad @ Harinandan Prasad Rai R/o 175 Dedaur, P.S.- Bhatikyarpur, P.O.- Dedur, Patna, Bakhtiyarpur, Bihar- 803212

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anurag Saurav, Adv. Mr. Ankesh Bibhu, Adv. Mr. Abhishek Kumar, Adv. Ms. Prity Kumari, Adv. Ms. Sharda Raje Singh, Adv.
For the Opposite Party/s :		Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 17-09-2025 1. Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 420, 406
and 34 of the Indian Penal Code.

3. Learned counsel for the petitioners submits that
petitioners are persons with clean antecedent and the
complainant alleges that his father in his lifetime partitioned the
property amongst his sons including the petitioner no. 1, based
on which the sons came in possession of their respective share
in the property, further petitioner no. 1 executed a sale deed with



respect to a property which fell in share of the complainant, further Santosh helped the petitioner in committing the forgery, next alleges that in the sale deed the land is shown as *Parti* land when complainant has his house over the land, further petitioners based on the sale deed entered his premises and threatened to evict.

4. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the instant case by the complainant. It is next submitted that from perusal of the allegation as alleged in the complaint, it would manifest that the dispute is civil in nature to which a criminal colour has been given. It is also submitted that though complainant in the complaint case alleges that the property which the petitioner no. 1 sold in favour of his wife, had fallen in his share based on a partition done by his father during his lifetime, but then the petitioners vehemently dispute the said allegation, it is submitted that petitioner no. 1 sold his share of land which came in his possession after partition in favour of his wife i.e. petitioner no. 2, to avoid any future litigation. It is next submitted that if the complainant is aggrieved by the execution of the sale deed by the petitioner no. 1 in favour of his wife, in that event he has a remedy of approaching a Court of competent



civil jurisdiction for getting the sale deed cancelled so that the petitioners can also appear and rebut the claim of the complainant, but then a criminal case has been instituted only to coerce the petitioners into submission so that they part with the property under fear of arrest.

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

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their 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) each 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 Complaint Case No. 653(C) of 2023 subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. Accordingly, the anticipatory bail application is allowed.

(Satyavrat Verma, J)

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