

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63831 of 2025

Arising Out of PS. Case No.-103 Year-2025 Thana- SHAHPUR PATORI District- Samastipur

1. Ram Pravesh Rai, aged about-60 years,S/o Late Makar Rai R/o vill - Shahpur Undi, ward no. 19, P.s.- Shahpur Patory, Distt.- Samastipur
2. Mithilesh Rai, aged about-39 years S/o Ram Pravesh Rai R/o vill - Shahpur Undi, ward no. 19, P.s.- Shahpur Patory, Distt.- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

3 26-11-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. Petitioners are in custody in a case registered for the offences punishable under Sections 316(2), 318(4) of the BNS and after investigation the Investigating Officer found the case also to be true under Sections 319(2), 338, 336(3), 340(2) 61(2) and 3(5) of the BNS.

3. As per allegation in the FIR, the informant has three brothers and having Khatiyani lands in their name. The land bearing Khata No.196 and New Khesra No.865 is in the peaceful possession of the informant. Some days ago the informant got knowledge that his villagers Mithilesh Rai (Petitioner No.2) after making conspiracy with his wife Bibha Devi and father Ram Pravesh Rai (Petitioner No.1) and some unknown persons, out of his Khatiyani Land 10 Katha 5 dhurs has got the sale deed executed in the name of his wife, namely, Bibha Devi on 28.02.2025 at Shapur Patory Registry Office.



Thereafter, the informant got certified copy of sale deed No.891 and he came to know that petitioner, Mithilesh Rai, in his name, by adding alias name informant, and in the name of father (Petitioner No.1) by writing the name of late father of informant, got the sale deed executed and petitioner, Ram Pravesh Rai, who is father of Mithilesh Rai stood as an identifier of the sale deed and also did forged signature of son of informant, namely, Chandra Deepak Kumar on the sale deed. It is also alleged that Mithilesh Rai (Petitioner No.2) has done the work of mason in the house of informant in the year 2020 and during that time he got photostat of Adhar card of son of informant and used it over the sale deed.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. He next submits that informant had gone to Registry Office for transfer of his land in the name of wife of the petitioner, Mithilesh Rai but it is the informant, who in collusion with Katib falsely alleging of forged sale deed with view to digest his money and these petitioners are rustic persons who knew only sign and signature. He submits that Petitioner No.1 is in custody since 24.05.2025 and Petitioner No.2 is in custody since 18.05.2025 and both the petitioners have got one criminal



antecedents as stated in para-3 of the bail petition.

5. Learned APP for the State as well as learned counsel for the informant oppose the prayer for bail of the petitioners.

6. On perusal of the First Information Report, case diary along and impugned order dated 19.07.2025, it appears that there is direct and specific allegation against the petitioners that through a conspiracy they have got the sale deed executed in the name of wife of the Petitioner No.2 (namely, Bibha Devi) and also the fact that they have got one criminal antecedent. So, considering all facts and circumstances of the case submission of learned counsel of both the parties and also the fact that there is *prima-facie* involvement of the petitioners in offence under Section 338 of BNS with other offences, I am not inclined to grant bail to the petitioners.

7. Accordingly, the prayer for regular bail of the petitioners is hereby rejected.

8. However, the petitioners will be at liberty to renew their prayer for bail after after one year completion of their custody before the learned Trial Court.

(Ramesh Chand Malviya, J)

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