

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63675 of 2025

Arising Out of PS. Case No.-459 Year-2024 Thana- COMPLAINT CASE District- Banka

Parmanan Thakur @ Parmanand Thakur S/o Late Bhagwat Thakur R /o Vill-
Mahauta, P.S.- Amarpur, P.O.- Amarpur, Distt- Banka, Bihar- 813101

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dinesh Prasad Sharma Son of Late Sita Sharma @ Sitabi Sharma R/o
Village- Mahauta, P.S.- Amarpur, District - Banka

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Namrata Mishra, Sr. Advocate Ms. Anamika Kumari, Advocate Ms. Archana Jha, Advocate
For the Opposite Party/s :		Mr. Rabindra Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-09-2025 1. Heard Mrs. Namrata Mishra, learned Senior
Counsel for the petitioner and Mr. Rabindra Kumar, learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 338,
336(3), 340(2) and 318 of the BNS.

3. Learned Senior Counsel for the petitioner submits
that petitioner has antecedent of five cases but then all the cases
have been instituted by the *pattidars* of the petitioner on account
of land dispute as has been specifically pleaded at para 3 of the
anticipatory bail application. It is further submitted that
informant alleges that petitioner, despite having no right, sold
the land of the complainant to accused no. 4, 5 and 6 and on the



sale deed accused no. 2 was a witness. Further, purchasers purchased the land being aware that petitioner has no right to sell the land. Thereafter, Jamabandi created in the name of the purchaser was challenged in Jamabandi Appeal Case No. 184 of 2022-23.

4. Learned Senior Counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that from perusal of the allegation as alleged in the complaint case, it would manifest that the complainant alleges that petitioner, despite having no right, sold the land pertaining to Khata No. 37/37, Khesra No. 39/40, area 15 decimals and 13.25 decimals. It is next submitted that the said land belongs to the petitioner and not to the complainant and the petitioner had purchased the said land from the land owner and thereafter got his name mutated. It is also submitted that the complainant challenged the order of mutation created in favour of the petitioner in Jamabandi Cancellation Appeal Case No. 364 of 2024-2025 but then the same was also dismissed by an order dated 09.10.2024 as would manifest from Annexure- P/3 to the anticipatory bail application. It is submitted that it was this land which the petitioner sold to the purchaser.



5. Learned Senior Counsel for the petitioner submits that though the complainant in the complaint case alleges that Jamabandi Appeal Case No. 184 of 2022-2023 was decided in his favour but then from perusal of the complaint case, it would manifest that the said Jamabandi Appeal Case No. 184 of 2022-2023 pertained to land pertaining to Khata No. 5/5, Khesra No. 43/58, area 28 decimals as recorded at para 5 of the complaint case, as such, the land in dispute in present case is not the same land for which Jamabandi Cancellation Appeal No. 184 of 2022-2023 was instituted by the complainant as alleged in the complaint case. It is further submitted that the dispute is civil to which a criminal colour has been given as the petitioner and the informant are related to each other and are having dispute relating to property. It is also submitted that the complainant instead of instituting a criminal case ought to have approached a Court of competent civil jurisdiction for getting the sale deed cancelled where petitioner would have got opportunity to rebut the claim of the petitioner but criminal case has been instituted to coerce the petitioner into submission.

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

7. Considering the submissions made by the learned



Senior Counsel for the petitioner, let 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 Complaint Case No. 459 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

(Satyavrat Verma, J)

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