

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65636 of 2024

Arising Out of PS. Case No.-213 Year-2023 Thana- TEKARI District- Gaya

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1. Priya Ranjan S/o- Late Paras Nath Sharma R/o Village- Guljana P.s-Tekari District- Gaya Currently Residing At 902 Viyanka Of Panchmarg Yari Road Warsova Near Kalyan Complex Andheri West Warsova Mumbai
 2. Manoj Kumar Late Paras Nath Sharma Village- Guljana P.s-Tekari District- Gaya, Currently at 117, Manik Prabhu Model Town J.P Road Near Ambani Hospital-7, Bagloj Andheri West, Mumbai
 3. Mukesh Kumar Son of Late Paras Nath Sharma Village- Guljana P.s-Tekari District- Gaya, Currently at V302 Mantri Paradize Apt. Warnar Ghanta Road, Opp. Reliance Mart, Arket Gate, Bangalore South, Nilkhalli Bangalore

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashok Kumar Sharma s/o- Late Paras Nath Sharma, at present - 202 Matrichaya, Gulmohar Cross Road, 6, Juhu Scheme, Mumbai, Maharastra, 400049

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mayank Shekhar, Adv. Mr. Amritya Raj, Adv.
For the State	:	Mr. Anand Kishore Choudhary, APP
For O.P. No. 2	:	Mr. Awadhesh Kr. Singh, Adv.

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

10 01-07-2025 Heard learned counsel for the petitioners, learned Additional Public Prosecutor for the State and learned counsel for the opposite party no. 2.

2. The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 406, 420, 467, 468, 471 of the Indian Penal Code.

3. The allegation in the First Information Report is that the petitioners illegally sold the ancestral land of the



informant worth Rs. 1 crore to other co-accused persons named in the FIR.

4. Learned counsel for the petitioners submits that all the three petitioners are the real brothers of the informant and as a matter of fact, the petitioners have sold their share of land upon a mutual understanding between the parties. Further, the informant is the eldest brother of the petitioners and he has himself sold several parts of the ancestral property without informing the brother (present petitioners) in the year 2020 itself. The petitioners have further submitted that the present case is out and out a civil dispute arising out of a property dispute within the family for which there are alternative legal remedies and a criminal case for the same would not be made out. Further, a supplementary affidavit has also been filed on behalf of the petitioners bringing on record the affidavits sworn by their three sisters which would reflect on the innocence of these petitioners and would also indicate that they have actually sold their part of the share of property. It has also been submitted that while petitioner nos. 1 and 2 are in the mercantile marine and are traveling due to their profession, the petitioner no. 3 is a chemical engineer who is currently posted at Bangaluru, Karnatka. Thus, in the present facts and



circumstances, no case under Sections 420, 406 of the IPC is made out against the petitioners and their case is squarely covered by the case of **Md. Ibrahim & Ors vs. The State of Bihar reported in (2003) 3 SCC Criminal 929.**

5. Learned counsel for the opposite party no. 2, however, opposes the application for anticipatory bail on the ground that he has been cheated by these petitioners by selling of the share of land which belonged to him. Learned counsel for the opposite party no. 2 has also referred to an order dated 13.06.2023 and has submitted that the petitioners already have an order of no coercive steps to be taken against them in a quashing application bearing Cr. Misc. No. 31830 of 2023 and hence, there is no apprehension of arrest. However, it has been submitted on behalf of the learned counsel for the petitioners that the said protection had been granted to the petitioners only for a limited period of six weeks. A counter affidavit has also been filed giving some details of property and also the pendency of a title suit.

6. Taking the rival contentions made by the parties into consideration and also considering that this is a matter arising out of a property dispute between brothers in a family making it a purely civil dispute, let the above named petitioners



in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, be enlarged on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Tekari P.S. Case No. 213 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C./482(2) of the B.N.S.S.

(Soni Shrivastava, J)

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