

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65895 of 2025

Arising Out of PS. Case No.-147 Year-2025 Thana- MADHUBAN District- East Champaran

1. Amresh Pathak @ Amresh Kumar Pathak S/o Late Chandrika Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
2. Akhilesh Pathak @ Akhilesh Kumar Pathak S/o Late Chankrika Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
3. Prabhat Kumar @ Jhuna Pathak S/o Late Chandrika Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
4. Prakash Kumar @ Rakash Kumar Pathak S/o Late Chandrika Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
5. Bimlesh Kumar Pathak @ Mukul Pathak S/o Amresh Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
6. Satendra Pathak @ Satendra Pathak @ Satyendra Pathak S/o Late Yugul Pathak @ Yugul Kishor Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
7. Shubbu Pathak @ Subbu Pathak @ Shubbu Kumar S/o Satyendra Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar
8. Punam Devi W/o Amresh Kumar Pathak R/o Village and Post- Gheghwaz, P.S.- Madhuban, Distt- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Dhananjay Kumar, Advocate Mr. Kundan Kumar Ojha, Advocate Mr. Navneet Prabhakar, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. Ashok Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 18-09-2025 Heard learned counsel appearing on behalf of the

petitioners, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

2. The petitioners apprehend their arrest in a case



registered for the offence punishable under Sections 191(2), 318(4), 338, 336(3), 340(2), 61(2), 352 and 351(2) of the B.N.S..

3. The prosecution story, in brief, is that on 29.04.2025 at about 7 AM, these petitioners, along with four other F.I.R. named accused persons, armed with weapons, abused and threatened the informant to forego his claim over the land registered in his wife's name. It is further alleged that the accused persons, in order to grab the land in question, created forged and fabricated documents.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. There is land dispute between the parties. As a matter of fact, petitioners are legal heirs of Jagnandan Pathak who had purchased the land in question from one Ramsevak Pandey vide a sale deed executed on 16.12.1925 and as such, petitioners have peaceful possession over the land in question since last 100 years and informant and his family members, in recent years, started disturbing the possession of petitioners' on the strength that a sale deed purported to be executed in their favour by one Jaynath Pandey, who happens to be great grand son of Ram Sevak Pandey and in continuation of



the same, the informant also filed a case under Section 163 of the B.N.S.S. before the learned S.D.O., Pakri Dayal which has been decided in his favour vide order dated 25.01.2025. Lastly, it is submitted that there is mere allegation of producing forged and fabricated documents, that too without any enquiry under Section 340 of the Cr.P.C. by a Court, will not attract charges for commission of offences under Section 338, 336(3) and 340(2) of the B.N.S.. At best, it is a case of civil dispute between the parties which has been given a criminal colour. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, nature of dispute and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class,



Motihari at East Champaran in connection with Madhuban P.S.
Case No. 147 of 2025, subject to condition as laid down under
Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

shashank/-

U		T	
---	--	---	--

