

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67611 of 2025

Arising Out of PS. Case No.-100 Year-2024 Thana- Jagdishpur District- West Champaran

1. Ghanshyam Sharan S/o- Late Shambhu Sharan R/v- House No-B-107, Kankarbagh Housing Colony, PS- Kankarbagh, District- Patna, P/A- Jhakhra Ps- Jagdishpur Diw- West Champaran
2. Bhola Sah S/o- Raghubir Sah R/v- Kachari Tola Jhakhra Ps- Jagdishpur Dist- West Champaran
3. Raj Kumar Sah S/o- Raghubir Sah R/v- Kachari Tola Jhakhra Ps- Jagdishpur Dist- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kishore Kumar Sinha

For the Opposite Party/s : Mrs.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-09-2025 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 316(3), 318(4), 338, 336(3), 340(2), 61(2), 3(3) of the B.N.S..

3. As per F.I.R., petitioner no.1, who happens to be own brother of the informant sold the land of the informant in favour of Petitioner No.2 in which Petitioner No. 3 is witness, by showing that the informant is dead.

4. It is submitted by learned counsel appearing on behalf of the petitioners that petitioners are quite innocent and have committed no offence. Learned counsel submits that petitioner no.1 is own brother of the informant and is co-sharer



of plot No.1183 which comprises of one *bigha* approximately. As per family arrangement, the petitioner has got half share and has sold his own share to the petitioner no.2. There is no chit of paper including the sale deed to show that the petitioner no.1 has either forged any document or created false mutation by forging any document by declaring the informant dead. Learned counsel further submits that in any of the three sale deeds executed by the petitioner no.1, there is no whisper or statement mentioned declaring the informant dead as alleged, nor in any of the documents in this regard, the petitioner no.1 has ever declared the informant as dead. Petitioner No. 2 is bona fide purchased and Petitioner No. 3 is witness of the alleged sale deed. It is further submitted that the dispute is purely civil in nature. Petitioner no.1 claims clean antecedents and petitioner nos.2 and 3 have one antecedent in which they have been acquitted.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, the clean antecedent of the petitioners and the fact that dispute is civil in nature, 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 SDJM, West Champaran at Bettiah, in connection with Jagdishpur P.S. Case No.100 of 2024, subject to condition as laid down under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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