

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70009 of 2025

Arising Out of PS. Case No.-44 Year-2022 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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1. Arjun Pandit @ Arjun Kumar Pandit S/O Mahesh Pandit R/O Bodhaul, P.S- Town Nawad, Dist.- Nawada.
 2. Mahesh Pandit S/O Late Tilak Dhari Pandit @ Karu Pandit R/O Bodhaul, P.S- Town Nawad, Dist.- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ramesh Pandit son of Late Nemi Pandit Village- Budhaul, Ps- Nagar Nawada, Dist- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindeswari Singh, Adv.
For the Opposite Party/s	:	Mr. Ajay Kumar Jha. APP
For the Complainant	:	Mr. Sheo Kumar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-10-2025 1. Heard learned counsel for the petitioners, learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 504, 323, 471, 468 and 120(B) of the Indian Penal Code.

3. Learned counsel appearing on behalf of the complainant, at the outset, submits that process under Sections 82 and 83 Cr.P.C. has been issued against the petitioners, as such, the anticipatory bail application is fit to be rejected.

4. Learned counsel appearing on behalf of the



petitioners does not dispute the said submission of the learned counsel appearing on behalf of the complainant, but then submits that the dispute is purely civil to which a criminal colour has been given. It is also submitted that for the property in dispute, the complainant has filed Title Suit No. 266 of 2021 in the Court of learned Sub-Judge-VII, Nawada in which the petitioners are defendants. It is also submitted that in the event if the title suit filed by the complainant is dismissed whether it would be prudent for the Court to send the petitioners to jail at this stage.

5. The learned counsel for the petitioners next submits that no doubt process under Sections 82 and 83 Cr.P.C. has been issued against the petitioners, but then petitioners are resident of Dhanbad and the summons were issued on the address of Nawada, as such, the petitioners could not receive summons and when process under Section 82 Cr.P.C. was issued, the same was also issued on the same address at Nawada, but then the complainant filed an application before the learned Trial Court with a prayer that process under Section 82 Cr.P.C. be sent to Dhanbad, as would manifest from order dated 03.05.2025. the learned counsel next submits that he has copy of the order of the learned Trial Court and the same was shown to the learned counsel appearing on behalf of the complainant even. The



learned counsel, thus, submits that petitioners and the complainant are having dispute relating to property, the complainant has already instituted the aforesaid title suit which is pending adjudication and in the event if the title suit is dismissed then the claim of the complainant over the property shall no longer remain, but then if petitioners are sent to judicial custody that would amount to travesty of justice, more so, when complainant being aware that petitioners are residing at Dhanbad, deliberately furnished their home address at Nawada.

6. Learned A.P.P. for the State and the learned counsel appearing on behalf of the complainant opposes the prayer for anticipatory bail of the petitioners, but then the learned counsel appearing on behalf of the complainant is not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioners that a dispute relating to property is going on in between the parties for which complainant has filed a title suit and initially when summons were issued, the same was issued on the address of the petitioners at Nawada and subsequently when process under Section 82 Cr.P.C. was issued, an application was filed on behalf of the complainant for sending the process under Section



82 Cr.P.C. to Dhanbad where petitioners are residing.

7. After hearing the learned counsel for the parties, the petitioners above-named, in the event of their 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) each 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. 44 of 2022 subject to the conditions as laid down under Section 482 (2) of the BNSS.

8. Accordingly, the instant anticipatory bail application is allowed.

(Satyavrat Verma, J)

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