

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79997 of 2024**

Arising Out of PS. Case No.-680 Year-2023 Thana- GAURICHAK District- Patna

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1. Amar Prasad son of Late Yogendra Prasad Resident of mohalla- Kashmahal Road no 3, Chirayatand Po- G P O Police station- Kankarbagh District- Patna
  2. Aman Prasad Son of Amar Prasad Resident of mohalla- Kashmahal Road no 3, Chirayatand Po- G P O Police station- Kankarbagh District- Patna
  3. Anubhav Prasad Son of Amar Prasad Resident of mohalla- Kashmahal Road no 3, Chirayatand Po- G P O Police station- Kankarbagh District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sushila Devi W/o- Late Rajeshwar Prasad Moh- Chiraiyatand Khash Mahal Road No-3, Ram Bhawan Ps- Jakkanpur Dist- Patna
3. Indubala W/o- Late Balanand Prasad Moh- Chiraiyatand Khash Mahal Road No-3, Ram Bhawan Ps- Jakkanpur Dist- Patna
4. Kumar Prasad S/o- Late Yogendra Prasad Moh- Chiraiyatand Khash Mahal Road No-3, Ram Bhawan Ps- Jakkanpur Dist- Patna
5. Ratna Prasad S/o- Late Yogendra Prasad Moh- Chiraiyatand Khash Mahal Road No-3, Ram Bhawan Ps- Jakkanpur Dist- Patna

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s     | : | Mr. Anil Kumar, Advocate        |
| For the State            | : | Mr. Nand Kishore Prasad, APP    |
| For the Opposite Party/s | : | Mr. Ram Naresh Sharma, Advocate |

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**CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA**  
**ORAL ORDER**

- 5      15-05-2025      1. Heard learned counsel for the petitioners, learned APP for the State and learned counsel for the opposite party no. 2.
2. The petitioners apprehend their arrest in connection with Gaurichak P.S. Case no. 680 of 2023 registered under sections 341, 323, 504, 506, 420, 467, 468, 120(B) of Indian Penal Code.



3. The allegation in the First Information Report which has been filed by four informants being Sushila Devi, Indubala, Kumar Prasad and Ratna Prasad is that the property which had devolved from the common ancestor Sushila Devi was fraudulently gifted by Amar Prasad petitioner no. 1 to his son Aman Prasad who is petitioner no. 2 and his son petitioner no. 2 thereafter sold the same land to other co-accused persons being Jitendra Singh and Ashok Singh.

4. Learned counsel for the petitioners submit that as a matter of fact it is an admitted position that the petitioner no. 1 is also one of the sons of Sumitra Devi and has a valid share in her property. He also points out that a *Jamabandi* was also created in the year 2016 itself in the name of the brother in which petitioner no. 1 was also one of them. It has further been submitted that the land falling in share of petitioner no. 1 Amar Prasad was actually gifted to his son and hence, there was nothing wrong in the same. He denies the fact that he has gone against the partition in the family and has gifted the share belonging to other brothers to his son which has subsequently been sold. The learned counsel relies on the documents contained in Annexure 5 and Annexure 7 to show that there was *jamabandi* created in favour of petitioner nos. 1 and 2 and the



rent receipts were also in their name. It is also submitted that considering the case of a civil nature, a Co-ordinate Bench of this Court has also granted the privilege of anticipatory bail to the purchasers of the said land *vide* order dated 10.02.2025 passed in Cr. Misc. No. 69836 of 2024. It has also been brought to the notice that the purchasers Jitendra Singh and Ashok Singh have also filed a case against the present petitioners.

5. Per contra, the learned counsel appearing for the opposite parties no. 2 to 5 have brought on record by way of their counter affidavit the fact that the petitioners had knowledge about the partition which had taken place in the family and despite having signed the partition deed, they have gone beyond the said deed and sold land which were not in their names. The learned counsel for the petitioners however, refutes the allegation and submits that the petitioners have no knowledge about the said partition deed and as a matter of fact, their signatures thereupon have been forged and fabricated.

6. Taking into consideration the rival contentions, this Court is of the view that the case predominantly has a civil colour and the opposite parties no. 2 to 5 always have the alternative civil remedies which can be resorted to and hence, taking into consideration the said facts and the case being



mainly predominantly of civil nature, I am inclined to extend the privilege of anticipatory bail to the petitioner and with respect to the case filed by the purchasers, it has been submitted that the same has been done in order to secure their ownership of the purchased land.

7. The application for anticipatory bail is opposed by learned A.P.P. for the State as also learned counsel for the opposite party no. 2.

8. Considering the aforesaid facts of the case, it is directed that the petitioners, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Gaurichak P.S. Case no. 680 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-VI, Patna City, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

Raj Ranjan/-  

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