

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75616 of 2025

Arising Out of PS. Case No.-1393 Year-2022 Thana- COMPLAINT CASE District- Araria

1. Shyama Devi W/o Vishnudeo Mandal @ Vishundeo Mandal R/o Village - Khajuri, P.S - Bhargama, District - Araria
2. Vishnudeo Mandal @ Vishundeo Mandal S/o Late Jamun Mandal R/o Village - Khajuri, P.S - Bhargama, District - Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mira Devi W/o Balram Mandal R/o Village - Khajuri, Ward No. 05, P.S - Bhargama, District - Araria

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Vijay Kishore Bharti, learned counsel for the petitioners and Mr. Sanjay Kumar Tiwary, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Complaint Case No. 1393C of 2022 for the offences punishable under Sections 406, 420 of the Indian Penal Code.

3. According to prosecution case, the complainant alleged that petitioner no.2 contacted her husband to sell two decimal land measuring Khata No.494, Plot No. 1060 on total cost of Rs.64,000/- and paid cash but the petitioner no.2 said to



sell piece of land on Plot No.1111 in place of Plot No.1060 and same got registered. On measurement by Amin after two years, the complainant came to know that the aforesaid land does not belong to the petitioners.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. Infact the petitioner no.1 purchased two decimal of land pertaining to Khata No.494, Plot no.1111 from one Shri Ugranand Jha through registered sale deed No.7159 on 23.09.2016 and petitioner has sold the land in question to the complainant in the year 2018 and from 2018-2022 the complainant has not filed any Complaint or FIR against the petitioners and after four years the Complainant has choosen to file the present Complaint petition only to harass the petitioners. Infact the petitioners have executed the deed in question in favour of the complainant pertaining to Khata No.494, Plot no.1111, which the petitioner no.1 purchased from one Shri Ugranand Jha through registered sale deed No.7159 on 23.09.2016.

5. The learned Additional Public Prosecutor has



vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances and the fact that petitioners have clean antecedent and petitioners sold the land in question which they have purchased from one Shri Ugranath Jha in 2016 and the present complaint petition has been filed after four years only to harass the petitioners, let the petitioners, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released 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 the learned C.J.M, Araria in connection with Complaint Case No. 1393C of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the



witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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