

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75727 of 2025

Arising Out of PS. Case No.-155 Year-2025 Thana- ADAPUR District- East Champaran

1. Basdeo Prasad @ Basudev Prasad S/O Late Kailash Prasad @ Late Kailash Rai Resident of Vill.- Kalwari, Majhariya, P.S.- Adapur, Dist.- East Champaran
2. Dinesh Rai S/o Late Thag Rai Resident of Vill.- Kalwari, Majhariya, P.S.- Adapur, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-11-2025 Heard Mr. Sanjeev Kumar, learned counsel for the petitioners and Mr. Bhanu Pratap Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Adapur P.S. Case No. 155 of 2025, F.I.R. dated 28.04.2025 for the offences punishable under Sections 336(3), 340(2), 318(1), 308(4), 3(5) of the Bharatiya Nyay Sanhita, 2023.

3. According to prosecution case, the informant alleged that the petitioners got registry the land of the informant through false and fabricated documents.

4. Learned counsel for the petitioners submits that



petitioners are innocent and they have falsely been implicated in the present case. As per allegation in the FIR the petitioners have purchased the land in question from one Sheikh Ahmad Hussain which is a disputed land. He further submits that infact the land in question was originally belong to one Damyanti Devi who sold the same through a registered sale deed dated 29.06.1967 in favour of late Kailash Raut, the father of the present petitioner no.1.Late Kailash Raut sold the land in question through registered sale deed dated 24.05.1983 to one Sheikh Hafiz and the petitioner no.1 has purchased a portion (14.10 dismil) of the land in question through registered sale deed dated 19.04.2025 from one of the sons of the aforesaid late Sheikh Hafiz and after paying the consideration amount as mentioned in the sale deed dated 19.04.2025 and petitioner no.2 has been made accused only on the ground that he is the identifier of the sale deed in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioners on the ground that petitioners are named in the FIR and they are the beneficiaries of the land in question and apart from that petitioners carries one criminal antecedent other than the present one.



6. Considering the aforesaid facts and circumstances, 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 J.M. 1st Class, Raxaul, motihari, East Champaran in connection with Adapur P.S. Case No. 155 of 2025, 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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