

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39127 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- PHULWARIYA District- Gopalganj

1. NAND KISHORE CHOUDHARY S/o- LATE BINDYACHAL CHOUDHARY Village – Madipur, P.S- Phulwariya Dist- Gopalganj
2. Blindra Singh son of Jagarnath Singh Village- Madipur Ps- Phulwariya Dist- Gopalganj
3. Vijay Kumar Singh @ Vijay Kumar Rai son of Rameshwar Rai Village- Madipur Ps- Phulwariya Dist- Gopalganj
4. Harikesh Singh son of Late Rajdeo Singh Village- Madipur Ps- Phulwariya Dist- Gopalganj
5. Rinki Devi W/o- Dilip Singh Village- Madipur Ps- Phulwariya Dist- Gopalganj
6. Mithila Tiwari son of Late Parshuram Tiwari Village- Madipur Ps- Phulwariya Dist- Gopalganj
7. Rajan Choudhur son of Late Yamuna Choudhur Village- Madipur Ps- Phulwariya Dist- Gopalganj
8. Abhinaw Kumar Singh son of Jagarnath Singh Village- Madipur Ps- Phulwariya Dist- Gopalganj
9. Ram Milan Tiwari son of Late Parshuram Tiwari Village- Madipur Ps- Phulwariya Dist- Gopalganj
10. Santosh Kumar son of Kamla Prasad Yadav Village and Ps- Phulwariya Dist- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 84938 of 2023

Arising Out of PS. Case No.-255 Year-2022 Thana- PHULWARIYA District- Gopalganj

AWADH KISHORE UPADHAYA @ AWADH KISHOR UPADHYAY SON
OF LATE BAIJ NATH UPADHYAY @ LATE VAIDYANATH UPADHYAY
RESIDENT OF VILLAGE- DUHAUNA, PS- KATEYA, DIST-
GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. BHUVNESHWAR TIWARI SON OF SRI VYAS TIWARI RESIDENT OF



VILLAGE- MARIPUR, PS- PHULWARIA, DISTT- GOPALGANJ

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 39127 of 2023)

For the Petitioner/s : Mr.Dhramveer, Advocate.

For the Informant : Mr. Devanand Tiwari, Advocate.

For the State : Mr.Sanjay Kumar Singh, APP.

(In CRIMINAL MISCELLANEOUS No. 84938 of 2023)

For the Petitioner/s : Mr.Sanjay Kumar Jha, Advocate.

For the Informant : Mr. Devanand Tiwari, Advocate.

For the State : Mr.Binod Kumar, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

8 01-08-2025 Both the bail applications arise out of same P.S. case number, hence they are being taken up together and disposed of by a common order.

2. Heard learned counsel appearing on behalf of the petitioners, learned counsel for the informant and learned APP for the State.

3. The petitioners seek pre-arrest bail in connection with Phulwariya P.S. Case No. 255 of 2022 registered for the offence punishable under Sections 420, 467, 468 and 471/34 of the Indian Penal Code.

4. It appears that the informant is the own sister of the mother of the executant and as per the governing Hindu Law and Succession Law, both the sisters have equal right in the



property.

5. The matter was sent for mediation for the said reason, but the mediation failed.

6. I find that both the parties are responsible and can be said to have cheated each other and have committed fraud for their own benefit.

7. Learned District Court is required to verify the revenue records relating to the original land holder, whose name has not been disclosed by either of the parties. The report of the Circle Officer reveals that as per the Revisional Survey Khatiyan, the said land belongs to one Rupan Tiwari, however, the report is silent to give the details of the original Raiyat of the land as per the Cadastral Survey, this creates doubt and the nexus and complicity of the Circle Officer concerned in the present case cannot be ruled out.

8. As a result of the conduct of the petitioners, informant and the Circle Officer, this Court has no alternative than to direct the Superintendent of Police, Gopalganj to proceed at his own level in accordance with law.

9. Considering the facts of the present case, it appears that it is a case of dishonest inducement of the petitioners with the intention of deceiving the original owners of the land, the



learned District Court is required to examine that the right to property of the original land holder should not be washed away by the two persons who are claiming to be the owner of the land on the basis of certain sale deeds which has been alleged to be a forged one.

10. Title Suit no. 131 of 2025 is pending between the parties. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-XVI, Gopalganj in connection with Phulwariya P.S. Case No. 255 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C. / Section 482 (2) of the B.N.S.S.

11. The learned District Court is directed to verify the criminal antecedent of the petitioners and if it is found that the petitioners are involved in some other cases as what has been stated in Para-3 of the bail petition, this order will automatically lose its force.

12. The Enquiry report must be filed by the Superintendent of Police, Gopalganj in Title Suit No. 131 of



2025 pending in the Court of Sub Judge, Hathua, Gopalganj and also before the learned trial court in connection with Phulwariya P.S. Case No. 255 of 2022 and Phulwariya P.S. Case No. 253 of 2022.

13. The bail applications stand disposed of.

(Purnendu Singh, J)

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