

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78376 of 2025

Arising Out of PS. Case No.-475 Year-2024 Thana- DHAKA District- East Champaran

1. Shiv Shankar Prasad @ Dr. (Prof) Shiva Shankar Prasad S/o Late Jagat Narayan Prasad R/o Village / Mohalla - Barharwa, Lakhansen, P.S - Dhaka, District - East Champaran at Motihari
2. Rajesh Kumar Srivastawa @ Bablu @ Rajesh Kumar Sinha S/o Shiva Shankar Prasad R/o Village - Barharwa, Lakhansen, P.S - Dhaka, District - East Champaran at Motihari Presently R/o - Flat No. 703, Krishna Apartment, Plot No. 120, Sector - 9, Ulwe, P.O and P.S - Gavan, District - Raigarh, State - Maharashtra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Nityanand Mishra, Advocate
		Mr. Alok Abhinav, Advocate
		Ms. Diksha Kumari, Advocate
For the Opposite Party/s	:	Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 19-11-2025 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners are apprehending their arrest in connection with Dhaka P.S. Case No. 475 of 2024 for the offence under Sections 336(3), 338, 318(4), 308(2), 303(2), 351(2) and 3(5) of the BNS.

3. As per the prosecution story, the informant has alleged that he has received 7 kathas of land as his lawful share through family partition, and he was in peaceful possession of the same where crops are grown. His elder brother, Shiv Shankar Prasad, had earlier filed Title Suit No. 185/1994 and



Partition Suit No. 69/1995 against Vinod Kumar Anal and others before the Sub-Judge, Motihari, and both cases were dismissed with costs on 20-10-2013. His appeal (Title Appeal No. 5/2014) was also dismissed by the District Judge on 22-05-2014, and no further appeal was filed. Despite this, his brother and his son by hatching a criminal conspiracy with Seema Singh and Arun Kumar Singh, fraudulently got executed a forged and fabricated sale deed on 23-01-2023 at the Dhaka Registration Office, illegally transferring his land and the share of Vinod Kumar Anal. These individuals have deliberately committed cheating and forgery for personal gain and to cause him harm, and Rajesh Kumar Srivastava is shown as a witness on the forged deed.

4. Learned counsel for the petitioners submits that petitioners are innocent and have falsely been implicated in this case. Petitioner no. 1 is elder brother of informant and petitioner no. 2 is nephew of informant and single son of petitioner no. 1. Learned counsel further submits that the petitioner is the vendor, who has executed the sale deed in favour of the co-accused Seema Singh with full right and title and son of the petitioner no. 1 namely Rajesh Kumar Shrivastava is witness of the deed. There is bona fide land dispute between both the parties and Second Appeal No. 489 of 2016 arising out from Title Appeal



No. 5 of 2014 is pending before this Hon'ble High Court.

5. Learned APP opposes the prayer for bail.

6. Keeping in view the aforesaid facts, and considering the admitted land dispute between both the parties, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the date of receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Motihari, in connection with Dhaka P.S. Case No. 475 of 2024 subject to the conditions as laid down under Section 482 of B.N.S.S., further condition is that one of the bailors should be close relative of the petitioners.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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