

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83574 of 2024

Arising Out of PS. Case No.-340 Year-2024 Thana- SURSAND District- Sitamarhi

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1. Yogendra Jha S/o Late Devkant Jha @ Debkant Jha R/o village - Makunahiya, P.S. - Sursand, Dist. - Sitamarhi, at present R/o village - Shri Khandi Bhiththa ward no. -9, P.S. - Sursand, Dist. - Sitamarhi
 2. Prakash Kumar Jha S/o Late Vijay Kant Jha @ Tara Kant Jha R/o vill - Makunahiya, P.S. - Sursand, Distt- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sudhir Kumar Jha S/o Late Kashikant Jha R/o vill - Shrikhandi Bhittha, P.s. - Sursand, Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Adv.
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
		Mr. Binod Kumar Singh, Adv.
		Mr. Asit Kumar Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 28-01-2025 Heard learned counsel for the petitioners, learned A.P.P. for the State and learned counsel for opposite party no. 2.

2. The petitioners, who apprehend their arrest in a case registered for the offence under Sections 318(4), 338, 336(3), 340(2), 3(5) of Bhartiya Nagrik Suraksha Sanhita, 2023, have prayed for grant of anticipatory bail.

3. As per prosecution case, petitioner no. 2 (Prakash Jha), in collusion with his father-in-law Yogendra Jha (petitioner no. 1), on 27.09.2023 executed sale-deed in favour of petitioner no. 1 without having any right for the same through a registered



sale-deed.

4. Learned counsel for the petitioners submits that informant and petitioner no. 2 (Prakash Jha) are the descendants of common ancestor namely late Naubat Lal Jha, who had two sons namely late Gopikant Jha and late Arjun Jha. Late Gopikant Jha is ancestor father of petitioner no. 2, whereas informant is concerned with late Arjun Jha. Learned counsel for the petitioners further submits that informant got a will executed in his favour by late Lalita Devi wife of late Surya Kant Jha fraudulently and will has not been probated till date. Subsequently, without issuance of any notice to other co-sharer, the informant created Jamabandi in his favour, against which, petitioner has filed a petition, vide Jamabandi Cancellation No. 3/2022-23, which is pending before the Additional Collector, Sitamarhi (Annexure – 4 to the bail petition). Moreover, the dispute involved in the present petition is purely of civil nature, for which, informant has got some other remedy.

5. Learned A.P.P. for the State and learned counsel for opposite party no. 2 vehemently opposed the prayer for anticipatory bail. Learned counsel for opposite party no. 2 submits that petitioner got the land executed on the basis of forged and fabricated document.



6. Considering the aforesaid facts and circumstances, in the event of arrest/surrender before the Court below within a period of eight weeks from today, let the above named petitioners be enlarged 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 learned S.D.J.M., Pupri, Sitamarhi / concerned Court in connection with Sursand P.S. Case No. 340 of 2024, subject to condition as laid down under Section 482 of Bhartiya Nagrik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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