

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87939 of 2024

Arising Out of PS. Case No.-1363 Year-2021 Thana- COMPLAINT CASE -
MUZAFFARPUR(WEST) District- Muzaffarpur

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Jaykant Ojha @ Jai Kant Ojha Son of Hari Kishore Ojha Resident of village -
Sandha Singaila, Ward No -9, P.S. - Motipur, Distt.- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Purushotam Kumar Ojha Son of Late Surendra Ojha Resident of Village-
Sandha Singaila, Ward No. 9, P.S.- Motipur, Distt.- Muzaffarpur

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate
For the State	:	Mr. Bharat Lal, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-01-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 467, 468, 471 and 420 of the Indian Penal Code.

3. Case of the complainant, in brief, is that all the accused persons named in the complaint petition, including this petitioner, in collusion with revenue officials, fraudulently, after tampering with official records, got a new *Jamabandi* bearing Jamabandi No. 195 /271 generated in place of the old existing *Jamabandi* and taking advantage of the same they got a sale deed executed in favour of one Ajay Kumar Singh and Santosh Kumar on 04.10.2023 for the land which belonged to the



complainant.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner has committed no offence and he is victim of false implication due to land dispute between the parties. Learned counsel submits that from bare perusal of the complain petition it is apparent that Jamabandi No. 203 is running in the name of uncles of petitioner, namely Nageshwar Ojha and Shaligram Ojha and father of this petitioner, namely Hari Kishore Ojha and rent receipts were also issued in their names from which it is crystal clear that neither any mutual partition took place between them nor any application for the same was filed by the parties. As a matter of fact, the petitioner and his brothers made demand for partition of the entire lands, including the land of the present case, from the complainant and his uncle and on refusal, petitioner filed a partition suit bearing Partition Suit No. 162 of 2006. It is further submitted that petitioner has sold his share of land measuring 5 decimals of Plot No. 1504 for which Jamabandi No. 203 was running the name of father of this petitioner, namely Hari Kishore Ojha. Moreover, the dispute is purely civil in nature, relating to sale and purchase of ancestral land, for which the aforesaid partition suit is also pending between the parties. Petitioner claims clean



antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of dispute and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate II, West, Muzaffarpur, in connection with Complaint Case No. 1363 of 2021, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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