

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87672 of 2024

Arising Out of PS. Case No.-3093 Year-2022 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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1. Kiran Jha W/o - Tejnarayan Jha Resident of Village- Baitapur, P.O.- Rajpur Madan, P.S.- Sikarpur, Distt.- West Champaran
 2. Tejnarayan Jha son of Late Devachandra Jha Resident of Village- Baitapur, P.O.- Rajpur Madan, P.S.- Sikarpur, Distt.- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Mahamaya Kunwar wife of Late Manmohan Jha village- Chhgrahan, Ps-sugauli, Dist- East champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar, Advocate
For the State : Mr. Dilip Kumar No. 1, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 08-01-2025 Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Complaint Case No. 3093 of 2023, dated 09.12.2022 registered for the offences punishable under Sections 467, 468, 420 and 120B of the Indian Penal Code.

3. As per the allegation, the land registered in the name of the complainant has been sold by the accused persons to someone else.

4. Ld. counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in this case. He further submits that the land was purchased in the name of mother by the money funded by the petitioners. He further submits that the alleged facts and circumstances constitute a dispute of civil nature. There is no commission of any forgery or cheating, because the sale deed executed by the petitioners are genuine and no cheating has been committed against the complainant and hence, the complainant has no cause of action to file the present case. At most, the purchaser of the land may file a case of cheating. There is no misrepresentation made by the petitioner to the complainant. They have sold the land claiming to be their own land and the complainant has already filed a civil suit for declaration of title to the property.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioners for bail.

8. Considering the civil nature of the dispute, **this**



petition is allowed, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Judicial Magistrate-Ist Class, Motihari, in connection with Complaint Case No. 3093 of 2022, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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