

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5222 of 2025

Arising Out of PS. Case No.-589 Year-2024 Thana- MASAUDHI District- Patna

-
1. Ganesh Kumar S/o- Mahesh Singh Village- Sukathiya Ps- Lahsuna Dist- Patna
 2. Kundan Kumar S/o- Shyam Prasad Singh Village- Sukathiya Ps- Lahsuna Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar, Advocate
For the Opposite Party/s	:	Mr. Md. Ataur Rahman, APP
For the Informant	:	Mr. Anand Prakash Prabhakar, Advocate

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 22-08-2025 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State. Perused the case diary.

2. The petitioners apprehend their arrest in connection with Masaurhi P.S. Case No. 589 of 2024 instituted for the offences under Sections 147, 148, 149, 341, 379, 354, 395, 420, 467, 468 of the Indian Penal Code.

3. Prosecution case, in short, is that the accused persons including the petitioners fraudulently executed a forged sale deed to transfer the complainant's ancestral land and got it mutated in their names with official collusion.

4. Learned counsel for the petitioners submitted that



the petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. Learned counsel further submitted that initially, complaint was filed by the complainant and, thereafter, FIR was registered. Learned counsel further submitted that both parties are gotiyas and are co-sharers of the land in question. It has been submitted on behalf of the petitioners that the petitioner no. 1 has one criminal antecedent whereas petitioner no. 2 has no criminal antecedent. The co-accused person has already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 27.03.2025 passed in Cr. Misc. No. 6846 of 2025.

5. Learned A.P.P. for the State and learned counsel for the informant vehemently opposed the prayer for grant of bail to the petitioners. Learned APP further submitted that several witnesses have supported the case of the prosecution. Learned APP next submitted that investigation is still going on against the petitioners, however, police submitted charge-sheet against co-accused persons. Learned counsel for the informant/complainant submitted that these petitioners illegally sold the ancestral land of the informant and got it mutated in their favour. Learned counsel for the informant further submitted that co-accused person was granted regular bail by



this Court vide order dated 18.03.2025 passed in Cr. Misc. No. 87146 of 2024. Learned counsel for the informant and learned APP for the State, therefore, pray that petitioners may not be granted the privilege of anticipatory bail.

6. Considering the aforesaid facts and circumstances of the case, there being direct allegation against the petitioners as also the investigation is still pending against them, in my view, this is not a fit case for anticipatory bail, and hence, I am not inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioners is, hereby, rejected.

8. However, if the petitioners surrender before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be disposed of on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

Alok Verma/-

U		T	
---	--	---	--

