

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1070 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- KHANPURA District- Samastipur

1. Arun Kumar Jha Son of Late Pulkit Jha Resident of Village- Shobhan Bargaon, PS- Khanpur, District- Samastipur
2. Buchhi Devi @ Buchhi Devi Wife of Arun Kumar Jha Resident of Village- Shobhan Bargaon, PS- Khanpur, District- Samastipur
3. Chanda Devi Wife of Phool Babu Chaudhary @ Phulbabu Chaudhary Resident of Village- Masina, PS- Khanpur, District- Samastipur
4. Saryug Mahto @ Saryug Mahta Son of Late Bulak Mahto Resident of Village- Shobhan, PS- Khanpur, District- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Madan Kumar Jha, S/O- Tripti Narayan Jha, Vill- Shobhan Badgaon P.S- Khanpur, Dist- Samastipur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ankit Kumar Jha, Advocate
For the Opposite Party/s :	Mr. Narendra Kumar Singh, APP
For Opposite Party No.2 :	Mr. Bijay Bhushan Prasad, Advocate
	Ms. Rani Shashi Bharti, Advocate
	Ms. Swati Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 08-05-2025 Heard Learned Counsel for the petitioners, Learned Counsel for the Opposite Party No.2 and Learned APP for the State.

2. The present criminal miscellaneous application has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter referred to as ‘the BNSS, 2023’) for



grant of anticipatory bail to the petitioners who apprehend arrest in connection with Khanpur P.S. Case No. 94 of 2024, under Sections 341/323/504/420/467/468/471/34 of the Indian Penal Code.

3. As per the prosecution, the complainant/informant has alleged that the accused persons in connivance with each other have sold the land of the complainant and in doing so they have committed breach of trust, fraud and other offences under the Indian penal Code.

4. Learned Counsel for the petitioners submits that the petitioners are innocent and have committed no offence. Counsel for the petitioners have specifically pleaded that petitioner No.1 and 2 are agnates of the informant/complainant and land dispute is going on between the parties. It has also been alleged by the counsel for the petitioners that the land which has been sold comes within the share of petitioner No.3 and, therefore, she has sold her property. Counsel submits that inadvertently description with regard to petitioner No.3 could not come, therefore, by way of supplementary affidavit it has been mentioned that petitioner No.3 is sister of petitioner No. 1 and petitioner No.2 is purchaser. Counsel submits that it is a dispute among the family members, particularly, the co-



parcener. He Submits that antecedents of the petitioners are clean.

5. Learned Counsel for the informant/complainant vehemently opposes the prayer for bail and submits that the land was recorded in the name of informant and selling the land to others even by the family members is absolutely a fraudulent act, and therefore bail may not be granted.

6. Learned APP for the State opposes the prayer for bail of the petitioners and submits that from the pleadings it transpires that informant and petitioners are agnates and related to each other.

7. Upon hearing the parties, it transpires to this Court that after 2005 there are changes come in the Hindu Succession Act and sisters became the co-parceners. The case is due to said change in law, therefore, in the present facts and circumstances of this case, let the above named petitioners be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 4 weeks from today, on furnishing bail bond of Rs.30,000/- (Rupees Thirty Thousand) each as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Ms. Isha Raj, Judicial Magistrate, 1st Class, Samastipur, in connection with Khanpur P.S. Case No. 94 of



2024, subject to the conditions as laid down U/s 482(2) of the
BNSS, 2023.

(Dr. Anshuman, J)

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