

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2387 of 2026

Arising Out of PS. Case No.-156 Year-2025 Thana- ARERAJ District- East Champaran

Shivakant Pandey Son of Late Yogendra Pandey Resident of Village - Sareya,
P.S. - Harsidhi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dhurendra Kumar, Adv.
For the informant	:	Mr. Madhurendra Kumar, Adv.
For the State	:	Ms.Sharda Kumari, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 24-02-2026 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Areraj P.S. Case No. 156 of 2025 dated 16.07.2025 registered for the offences punishable under Sections 126(2), 115(2), 316(2), 318(4), 338, 336(3), 340(2) and 3(5) of the B.N.S.

3. The allegation against the petitioner is that he had executed sale deed beyond the share which he was given as per the partition.

4. The learned counsel for the petitioner submits that a



completely civil dispute has been given a criminal colour and moreover, the allegation of selling extra land beyond his share is also wrong as he has further share remaining in the said plot. It has further been submitted that even if the allegation is taken on its face value, the remedy which lies before the informant is to file a suit for cancellation of the sale deed and not the present F.I.R. It has lastly been submitted that the petitioner has clean antecedent.

5. The learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner has played fraud with the informant by selling land beyond what had been given to him in the share of the said plot. It has further been submitted that the petitioner has created a forged sale deed and therefore, he should not be granted the liberty of anticipatory bail.

6. Considering the aforesaid submissions made by the parties and taking into account the facts and circumstances of the case, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/-(Rupees Ten Thousand)



with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor court in connection with Areraj P.S. Case No. 156 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner shall remain physically present before the concerned Court on each and every date of the trial and shall cooperate in the investigation.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the Court concerned.

(iv) The trial court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedents, the trial court shall take necessary steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bond in terms of the above mentioned order shall not be delayed for purpose of or in the name of verification.



7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

8. The application stands allowed.

(Sourendra Pandey, J)

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