

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1964 of 2026

Arising Out of PS. Case No.-138 Year-2025 Thana- GOPALPUR District- West Champaran

Nawendu Gautam @ Rahul Pandey Son of Late Ramdev Pandey R/O Village
- Sargatiya, P.S.- Gopalpur, District - West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nilendu Gautam S/o- Late Ramdeo Pandey R/O Village - Sargatiya, P.S.-
Gopalpur, District - West Champaran.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Advocate
For the State	:	Mr. Yogendra Kumar, APP
For the O.P. No. 2	:	Mr. Gyan Prakash, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 07-04-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant/O.P.
No. 2.

2. The petitioner apprehends his arrest in a case
registered under Sections 61(2), 79, 118(2), 320, 338, 340, 309,
352, 353, 133 and 305(b) of the Bharatiya Nyaya Sanhita.

3. It is alleged that petitioner has sold the land and
house, situated at Khata No. 597, Plot No. 4076, having an area
of 06 *dhurs* and 10 *dhurkis* on 18.09.2024, by virtue of
registered sale deed in favour of his wife, namely, Prachi
Kumari. The informant/O.P. No. 2 has claimed the land and
house as the joint property of the parties and *jamabandi* of the



subject land/house is running in the name of the informant's mother.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner is innocent and has falsely been implicated in the present case. Further submission is that petitioner is full brother of the informant/O.P. No. 2 and he has also filed a Partition Suit No. 391 of 2025 which is pending before learned Sub-Judge, Bettiah, West Champaran. As a matter of fact, after the death of the father of the petitioner and informant, the informant got the appointment as Teacher on compassionate ground and has been residing in Sugauli. The petitioner was taking care of his mother and made all arrangement of marriage of his only sister, Niharika Kumari. As per the family arrangement, the mother of the petitioner and informant decided that the land and house in question shall go to the petitioner and accordingly, the petitioner executed sale deed in favour of his wife. Similarly situated co-accused person, namely, Prachi Kumari (wife of the petitioner) has already been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 28.01.2026 passed in Cr. Misc. No. 2331 of 2026. Petitioner has got no criminal antecedent and he undertakes to cooperate in the investigation and trial.



5. Learned A.P.P. for the State and learned counsel for the informant/O.P. No. 2 opposed the prayer for bail.

6. Having considered the facts and circumstances of the case, submissions of learned counsel for the parties, nature of allegation, similarly situated co-accused person has been granted anticipatory bail and clean antecedent of the petitioner, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six 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 learned Judicial Magistrate-I, Bettiah, West Champaran in connection with Gopalpur P.S. Case No. 138 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita.

(Sunil Dutta Mishra, J)

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