

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20931 of 2026

Arising Out of PS. Case No.-327 Year-2025 Thana- NAGAR District- Vaishali

Mithilesh Kumar Singh @ Mithlesh Kumar Singh S/O Late Birchandra Singh
R/O Rambhadra, P.S- Hajipur Town, Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh, Sr. Adv.
For the Opposite Party/s :	Mr. Binod Murari Mishra, Adv.
	Mr. Prem Kumar, Adv.
	Mr. Rabindra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 08-05-2026 1. Heard learned senior counsel for the petitioner Mr. Krishna Prasad Singh, learned APP for the State Mr. Rabindra Kumar and the learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in connection with Hajipur Town P. S. Case No.327 of 2025 registered for the offences punishable under Sections 316(2), 318(4), 338, 336(2), 340(2), 61(2) of the B.N.S., 2023.
3. The learned senior counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that petitioner in connivance with Shailesh and Rakesh sold his ancestral land to various purchasers based on forged power of attorney, when power of attorney in favour



of Shailesh and Rakesh was cancelled earlier, further, accused were also helped in their misdeeds by the Registry Office and the Circle Office, Hajipur, it is next alleged that Shailesh in name of his wife also got a lease with respect to the disputed land executed, further, when informant requested his uncle i.e. petitioner to get the sale deed cancelled, his named cousin brother abused and threatened that he will lose his life for the land and that a case under SC/ST Act would be instituted, since some purchasers belongs to SC/ST Category, it is next alleged that Shailesh is a land mafia and grabs land under threat and if he is not able to grab the land by force, then gets the land owner implicated in cases relating to SC/ST Act. It is next alleged that delay in instituting the FIR was because of the reason that his father was looking after the land, hence informant and his brother were not much aware of the land, but they came to know about the misdeeds of the accused persons including the petitioner, when his father died on 01.12.2024 and that Shailesh had taken Munna, whom his father had entrusted with the work of looking after the land in confidence.

4. The learned senior counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant being own uncle of the



informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the dispute is purely civil to which a criminal colour has been given. It is next submitted that if what has been alleged in the FIR is true, in that event, the informant ought to have moved a court of competent civil jurisdiction for getting the sale deeds cancelled, but then the informant instead of moving before a court of competent civil jurisdiction, instituted the instant FIR only with a view to coerce the accused persons including the petitioner into submission. It is also submitted that since petitioner is own uncle of the informant and if lands have been sold, in that event, the same can only be adjudicated by a court of competent civil jurisdiction that as to whether the lands sold by the petitioner was in excess of his share or not and if it was, in that event, the informant would be duly compensated. It is also submitted that the informant has instituted Title (Partition) Suit No.343 of 2024 on 22.02.2025 which is pending adjudication.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application. The learned counsel appearing on behalf of the informant submits that no doubt the petitioner and the informant



are related and at the first blush it appears that the dispute is civil in nature but then it is not that all civil disputes do not have criminal contours. It is next submitted that the sale deeds were not executed by the petitioner but was executed by Shailesh, based on a power of attorney which was executed in his favour by the petitioner but then it is asserted and submitted that the sale deed executed by the petitioner in favour of Shailesh was cancelled in the year 2015 itself, but then Shailesh in the year 2017, based on the same power of attorney started selling land fraudulently in connivance with petitioner and Rakesh. It is also submitted that a counter affidavit has been filed, wherein from perusal of one of the sale deeds executed by Shailesh on 24.07.2017, it would manifest that petitioner is an identifier on the sale deed and it has been recorded that the power of attorney executed earlier is still in force when the fact is that the power of attorney was cancelled in the year 2015 itself. It is thus submitted that since Shailesh was selling the land of the informant based on the power of attorney which got cancelled in the year 2015 executed by petitioner but still petitioner supported Shailesh on the issue of power of attorney only for the reason that his lands were not sold and the same is an aspect of investigation.



6. Learned senior counsel appearing on behalf of the petitioner is not able to rebut the submissions of the learned counsel appearing on behalf of the informant that power of attorney executed by the petitioner in favour of Shailesh was cancelled in the year 2015 itself and thereafter based on the said power of attorney, Shailesh sold different plots of land and in the year 2017, the petitioner on a sale deed was an identifier and the sale deed records that the lands have been sold based on the power of attorney executed in favour of Shailesh, which is still in existence.

7. After hearing the learned counsel for the parties, the Court is in complete agreement with the submissions made by the learned counsel appearing on behalf of the informant that the case requires to be investigated and interrogation of the accused is necessary.

8. Accordingly, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

9. The prayer of the petitioner for anticipatory bail stands rejected.

(Satyavrat Verma, J)

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