

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22280 of 2026**

Arising Out of PS. Case No.-150 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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1. Nandkishor Gupta S/O Late Sachidanand Sah, Resident of Village- Bhawnathpur, Police Station- Bhawnathpur, District- Garhwa (Jharkhand).
 2. Munna Kumar Gupta Son of Late Sachidanand Sah, Resident of Village- Bhawnathpur, Police Station- Bhawnathpur, District- Garhwa (Jharkhand).

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rabindra Nath Singh Rabindra Nath Singh S/O- Late Ram Sagar Singh, Vill-Mohamadipur, Tola- Maniyar, P.S.-Mohiuddinagar, Dist-Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anil Kumar, Advocate
For the State	:	Mr. Shahabuddin Azeem @ S. Azeem, APP
For the O.P. No.2	:	Mr. Dileep Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL ORDER

3 24-06-2026 Heard learned counsel for the petitioners and learned

APP for the Stat as well as learned counsel for the O.P. No.2.

2. The petitioners seek bail, apprehending their arrest, in connection with Mohiuddin Nagar P.S. Case No. 150 of 2019, dated 04.08.2019, registered for the offence punishable under Sections 467, 468, 471, 406 and 420/34 of the Indian Penal Code.

3. As per allegation, the informant has purchased 3.4 decimal parcel of land worth Rs.3 lakh from the petitioners. However, when the informant applied for mutation, his mutation has been rejected by the concerned officer on the basis of report of Circle Inspector to the effect that the petitioners had sold the land in excess of their share. Hence, the informant filed this



case.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the petitioners have not sold the land beyond their shares and the land was already in possession of the informant prior to the sale deed as executed by them. He further submits that report of the Circle Inspector is false and baseless and hence, no offence is made out against the petitioners. At most, it is a dispute of civil nature.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioners have no antecedent.

7. However, learned APP for the State and learned counsel for the Informant vehemently oppose the prayer of the Petitioners for bail submitting that the petitioners have deliberately sold the land in excess of their shares and five dhur in excess of their share was already sold to Chandan about one month before executing the sale deed in favour of the informant.

8. I considered the submissions advanced by both the parties and perused the material on record.



9. I find that the informant is aggrieved with the rejection of the mutation petition on the report of Circle Inspector who has stated that the petitioners have sold the land in excess of their shares. However, it appears that Circle Inspector has given the report beyond his jurisdiction. There is no basis to say him what was share of the petitioners, because at most, he can give report regarding the mutation status of the land in question, but he has no basis to say that the seller has sold the land in excess of his share. The report appears to be malicious. Hence, on such basis, no case of cheating can be made out and if the Civil Court finds that the petitioners have sold the land without any title to the land, only then the informant can make out the case of cheating against the petitioners.

10. Hence, at most, alleged facts and circumstances constitutes a dispute of civil nature and the informant has civil remedy. He can file appeal against the order whereby mutation has been rejected. He has remedy for filing civil suit for declaration of his title. In case, it is found that the petitioners had no title to the land sold to the informant, he will have remedy in criminal law.

11. Considering the aforesaid facts and circumstances,



this petition is allowed, directing the petitioners, above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Mohiuddin Nagar P.S. Case No. 150 of 2019, subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J.)

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