

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24870 of 2026**

Arising Out of PS. Case No.-39 Year-2024 Thana- COMPLAINT CASE - SHERGHATI  
District- Gaya

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1. Chameli Devi Wife of Nandkishore Prasad Resident Of 1 Gram Chhaurabandh PO- Bhadeya PS -Barachatti Chhaura Bandh District -Gaya ji
  2. Rita Devi Wife of Rajeshwari Prasad Resident of Bhadiya Tola, Moniatari, Chhaura Bandh, Ps- Barachatti, Dist- Gaya Ji
  3. Nand Kishore Prasad C/o Feku Prasad @ Rajeshvari Prasad Resident Of Village - Mauniyatari, Po- Bhadeya, Ps- Barachatti, Chhaura Bandh, Dist- Gaya Ji

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Sanjay Kumar, Adv.

For the Opposite Party/s : Mr. Mritunjay Kumar Nirala, APP

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**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

3      03-06-2026                      Heard Mr. Sanjay Kumar, learned Advocate for the petitioners and Mr. Mritunjay Kumar Nirala, learned Additional Public Prosecutor for the State through virtual mode.

3. At the outset, learned Advocate for the petitioners submitted that during the pendency of the present application, the petitioner no. 1 got arrested and, as such, she is not pressing the application on her behalf.

4. Permission is accorded.

5. Petitioner nos. 2 and 3 are apprehending their arrest in connection with Complaint P.S. Case No. 39 of 2024, registered for the offences punishable under Sections 420, 323, 468, 506 of the BNS.

6. The complainant by filing the present complaint alleged that out of khatiyani land appertaining to khata no. 71,



plot no 206, 209, 213, 217, 224, 257, 266, 382, 401 and 275 of total area 2.99 acre, the petitioners in collusion with others by putting her in dark got executed a sale deed in their favour on huge consideration money. When the informant came to know, she enquired the matter from the petitioners, whereupon she was also assaulted and abused.

7. Learned Advocate for the petitioners submitted that the land in question was transferred through registered sale deed in favour of petitioner no. 1 and 2 on 26.04.2017 but the present complaint case came to be instituted on 17.01.2024, after a delay of seven years. Moreover, the complainant has also filed a Title Suit No. 43 of 2024, which is pending in the Court of learned Civil Judge ( Senior Division)-II, Sherghati for cancellation of sale deed and for handing over possession to the complainant. It is submitted that after filing of the complaint case and the Title Suit, since the original complainant has already died in the year 2025 and, as such, she has not been made as Opposite Party; moreover the *jamabandi* is running in the name of the petitioners.

8. On the other hand, learned Advocate for the State vehemently opposed the bail application and submitted that the petitioners have committed fraud upon the complainant and her



heirs.

9. Having considered the submissions advanced by the learned Advocates for the respective parties and taking note of the fact that the land in question was sold through a registered sale deed long back in the year 2017 and for cancellation of which Title Suit has also been filed by the complainant, which is pending before the Civil Court of competent jurisdiction, let the petitioner nos. 2 and 3 abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the J.M 1<sup>st</sup> Class, Sherghati, Gaya ji, in connection with Complaint P.S. Case No. 39 of 2024 subject to the conditions laid down in Section 482(2) of the Bharatiya Nagrik Suraksha Sanhita, 2023, with the further condition that one of the bailors shall be the own/close family members of the petitioner nos. 2 and 3.

**(Harish Kumar, J)**

Anjani/-

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