

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30690 of 2026

Arising Out of PS. Case No.-11 Year-2026 Thana- MEHSI District- East Champaran

1. Musmat Gaytri Devi @ Gaytri Devi S/o Late Lalan Prasad Sharma R/o Village - Parsauni Raici, P.S. - Rajepur(Sahebganj), District - Muzaffarpur.
2. Nitesh Kumar Thakur S/o Anil Kumar R/o Village - Parsauni Raici, P.S. - Rajepur(Sahebganj), Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Awnish Kumar, Advocate
For the State	:	Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-07-2026 Heard learned counsel appearing on behalf of the petitioners and learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 318(4), 338, 336(3), 340(2), 61(2) and 3(5) of the B.N.S..

3. As per prosecution case, it is alleged that these two petitioners, along with other F.I.R. named accused persons, sold the ancestral land of the informant, without any right, title and possession, to other co-accused persons using forged and fabricated documents. Petitioner No. 1 is one of the seller and Petitioner No. 2 is identifying witness.

4. It is submitted by learned counsel appearing on



behalf of the petitioners that petitioners are quite innocent and have committed no offence whatsoever. Petitioners have falsely been implicated in the present case at the instance of the informant in order to grab their ancestral land which is situated in his village. As a matter of fact, the land in question appertaining to Plot No. 516, Khata No. 178 situated in Mauza-Chintamanpur, Thana No. 161 is *Kahtiyani* land of the petitioners' family recorded in the name of Harihar Prasad Thakur. Petitioners are descendants of late Hakim Thakur, who had two sons, namely late Gurucharan Thakur and Late Harihar Prasad Thakur. Since late Harihar Prasad Thakur died issueless, therefore, ancestral property of late Hakim Thakur recorded under the name of late Harihar Prasad Thakur became absolute property of late Gurucharan Thakur as would be evidence from bare perusal of genealogical table of late Aleg Thakur dated 22.02.2024 granted by Pushpa Devi, Sarpanch of Gram Kachahari, Parsauni Raisi, copy of which is Annexure-P/2 to present bail application. Even as per Register-2, the land in question is recorded in the name of Harihar Prasad Thakur, copy of which is Annexure-P/3 to this bail application. From bare perusal of Cadestral Survey Khatiyani of the land in question is appertaining to Plot No. 516, Khata No. 178 situated in Mauza-



Chintamanpur, Thana No. 161, copy of which is Annexure-P/4 of this bail application, it would be apparent that the same is the ancestral land of these petitioners and still exists in the name of their ancestors. Petitioners are still paying the rent of the land in question and copy of the receipt for the financial year 2024-25 generated by the department is Annexure-P/5 to this bail application. Moreover, the dispute is purely civil in nature and none of the acts, allegedly committed by these petitioners, would give rise to any criminal liability. Petitioners claim clean antecedents.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, nature of accusation, materials available on record and clean antecedents of the petitioners, the prayer for grant of anticipatory bail to the petitioners is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioners be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st



Class, East Champaran at Motihari in connection with Mehshi
P.S. Case No. 11 of 2026, subject to condition as laid down
under Section 482(2) of the B.N.S.S..

(Prabhat Kumar Singh, J)

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