

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40741 of 2026

Arising Out of PS. Case No.-109 Year-2026 Thana- VIJAYEPUR District- Gopalganj

1. Markandey Pathak S/O Birendra Pathak R/O Mishra bandhaura, PS - Viajyipur, District - Gopalganj.
2. Nandji Pathak S/O Surendra Pathak R/O Mishra bandhaura, PS - Viajyipur, District - Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Pandey
For the Opposite Party/s	:	Mr. Ganesh Prasad Singh
For the Informant	:	Mr. Vishwajeet Kumar Mishra
	:	Mr. JC Kishlay Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 29-06-2026 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

2. Petitioners seek bail who are in custody since 16.04.2026 in connection with Viajyipur P.S. Case No. 109 of 2026 for the offences punishable under Sections 318(4), 338, 336(3), 308(2), 3(5) of BNS.

3. According to the prosecution story, succinctly, as based on the written report of the informant namely Shivji Pathak is that, he was a teacher in Sikkim and seldom come to his village. It is further stated that, when he was not in the village, he was informed on the telephone that, Narendra Pathak has sold informant's land fraudulently to Nandji Pathak



(Petitioner No. 2) Markandey Pathak (Petitioner No. 1), in which Amarjeet Ram stood as identifier and Shambhu Tiwari as witness. It is further stated that, the informant reached his village on 12.04.2026 and on 13.04.2026 accused persons namely Markandey Pathak, Nandji Pathak, Virendra Pathak, Surendra Pathak, Amarjeet Ram and Shambhu Tiwari were fixing "Khutadanda" on informant's land. When the informant prevented them, they threatened him to kill as they had purchased the land from Narendra Pathak and they demanded extortion of Rs. 20 lakhs. It is further stated that, the aforesaid persons are connected with a land mafia gang and under a well-planned conspiracy, have executed and caused to be executed sale deeds by fabrication with the intention of grabbing the informant's land, cheating him, making false claims of title and extorting ransom. Again, on the basis of the same forged and fraudulent sale deed, all the aforesaid persons, using the forged sale deed as a valid document are threatening to forcibly dispossess the informant from his land, cheat him, and grab the land, otherwise demanding Rs. 20 lakhs as extortion money. The aforesaid Narendra Pathak has no authority to execute the sale deed of informant's land.

4. Learned counsel for the petitioners submits that



petitioners have clean antecedent and they have falsely been implicated in the present case. It is further submitted that the allegation as alleged in the FIR is forged and fabricated and the petitioners have not committed any offence as alleged in the FIR. Learned counsel for the petitioners next submits that the petitioners have purchased the land in question from one Narendra Pathak vide Sale Deed No. 1355 dated 11.03.2026 and when the petitioners have come over the land in question the informant has filed the false FIR against the petitioner and other co-accused persons and petitioner is in custody since 16.04.2026.

5. The learned Additional Public Prosecutor for State and learned counsel for the informant have vehemently opposed the prayer for bail of the petitioners and submit that petitioners have demanded Rs. 20 lakhs from the informant.

6. Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned learned A.C.J.M-IV, Gopalganj in connection with Viajyipur P.S. Case No. 109 of 2026, subject to the following conditions:-

i. Petitioners shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Gaurav Sinha/-

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