

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40950 of 2026

Arising Out of PS. Case No.-161 Year-2026 Thana- KUCHAIKOTE District- Gopalganj

1. Bhola Pandey @ Rakesh Pandey S/o Suresh Pandey R/o -Beltha Bazar, Kadam Mod, P.S - Siwan (Town), District- Siwan.
2. Nitish Kumar S/o Harishankar Yadav @ Harishankar Choudhary R/o village - Kaparpura, P.S - Uchakagaon, District - Gopalganj.
3. Deepak Kumar S/o Narsing Ram R/o village - Bhogipatti, P.S - Kateya, District- Gopalganj.
4. Guddu Singh @ Guddu Kumar S/o Udaymal Singh R/o village - Mahaicha, Ward no. 5, P.S - Hathua, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Naresh Dixit, Advocate
		Mrs. Shruti Singh, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KUMAR MANISH
ORAL ORDER

3 27-07-2026 Heard Mr. Naresh Dixit, learned counsel appearing on behalf of the petitioners assisted by Mrs. Shruti Singh, learned counsel and Mr. Sanjay Kumar Pandey, learned APP for the State.

2. The present application has been filed on behalf of the petitioners for grant of regular bail in connection with Kuchaikote P.S. Case No. 161 of 2026, for the offence punishable under Sections 329(3), 308(4), 308(5), 109(1), 352, 351(2), 3/5 of the BNS and section 27 of Arms Act. Subsequently, on 18.04.2026, u/s 111(3), 111(4), 61(2) of the



BNS, 2023 was added.

3. As per the prosecution case, informant alleges that he is a caretaker of Kiran Sinha and he looks after and manages her affairs, next alleges that wheat crop planted on 16 acre 93 decimal of land of Kiran Sinha was ripe for harvesting, hence on 01.04.2026 he along with Ajit visited the land for inspecting the crop, when the accused persons, namely, Bhola, Guddu, Depak and Nitish came on four motorcycles and petitioner no. 1 threatened that if they want to live then they should ask Kiran to handover possession of the land to them, further on orders of Bhola, the accused persons broke open the locks and all five rooms over the land and put their own lock and also opened fire, accordingly, the police was informed and the police reached the place of occurrence and apprehended one accused. It has further been alleged that the petitioner no. 1 is a land mafia as his name is published in the list of land mafias issued by Superintendent of Police and the conspiracy was hatched by Satish and Amarendra. It is further alleged that the petitioner no. 1 along with other accused are trying to dispossess Kiran Devi by preparing false documents.

4. Learned counsel for the petitioners submitted that the petitioners are innocent and have falsely been implicated in



the present case as they are neither the owner of the land in question nor a purchaser thereof nor a beneficiary of any sale deed relating to the land property. It has further submitted on behalf of the petitioners that the petitioners have no independent title, ownership or proprietary interest whatsoever in the disputed land and is not a party to the alleged transaction forming the basis of the rival claims over the property. It is further submitted that the entire genesis of the present prosecution lies in a long-standing civil dispute relating to land bearing Khata No. 38, Khesra No. 513 situated at Mauza Belwa, P.S. Kuchaikote, District- Gopalganj. It is further submitted that the persons with whom petitioner no. 1 is alleged to be associated namely, Satish Pandey and Amarendra Pandey @ Pappu Pandey have been asserting title and possession over the land on the basis of a registered sale deed executed in favour of their predecessor-in-interest, namely, Ramashish Pandey, by Smt. Kiran Sinha. The copy of the sale deed is annexed as P/2 with the bail application. It is further submitted that Mutation Cancellation bearing Mutation Cancellation Case No. 10 of 2024 and Mutation Cancellation Case No. 11 of 2024 were instituted before the competent authority concerning the very same land. In regard to the criminal antecedent of the petitioner



no. 1 is concerned, there is four cases pending against him and in one matter i.e. Kuchaikote P.S. Case No. 208 of 2025 vide order dated 15.07.2025, this Hon'ble Court was pleased to grant protection to him passed in Cr. Misc. No. 41015 of 2025. As far as petitioner nos. 2 and 3 are concerned, they have clean antecedent and petitioner no. 4 has one criminal antecedent and in that case he is on bail. Petitioners are in judicial custody since 02.04.2026. Learned counsel further submits that the petitioners having criminal antecedents cannot be a ground for implicating the petitioners in the instant case. Similarly situated co-accused, namely, Rahul Tiwari has been granted anticipatory bail by a coordinate Bench of this Hon'ble Court vide order dated 06.07.2026 passed in Cr. Misc. No. 38409/2026.

5. Learned APP for the State has vehemently opposed the prayer for bail.

6. After hearing learned counsel for the parties and taking into consideration the submissions made by learned counsel for the petitioners and also the fact that civil dispute is pending and in earlier FIR, Kuchaikote P.S. Case No. 208 of 2025 vide order dated 15.07.2025 passed in Cr. Misc. No. 41015 of 2025 proceeding against petitioner no. 1 is stayed.

7. Considering the facts and circumstances of the



case, I am inclined to enlarge the petitioners on bail. The petitioners, above named, are directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the learned court below where the case is pending/concerned court in connection with Kuchaikote P.S. Case No. 161 of 2026, subject to following conditions:-

(i) One of the bailors should be family member of the petitioners.

(ii) Petitioners will co-operate in the trial and will remain present on all dates personally or should be duly represented through their counsel and whenever required to be physically present by the court, he should physically appear in the Court on that date.

(iii) 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.

(Kumar Manish, J)

Ranjeet/-

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