

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48359 of 2024

Arising Out of PS. Case No.-208 Year-2016 Thana- ALOULI District- Khagaria

1.

Rajkumar Ram @ Rajkumar Kedia S/o Late Baijnath Ram R/o Mohalla - Henry Bazar, P.S. - Motihari Town, Distt. - East Champaran.
2.

Sanjiv Kumar Tulsyan @ Sanjiv Tulsyan @ Sanjeev Tulsyan S/o Prahlad Roy Tulsyan R/o 1, Mayaram Market, Mayaram Road, P.S. and Distt. - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate
		Mr.Rajesh Ranjan, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar, APP
For the Informant	:	Mr.Santosh Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 02-02-2026 Heard learned counsel appearing on behalf of the petitioners and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioners apprehending their arrest in connection with Alauli P.S. Case No. 208 of 2016 registered for the offences punishable under Sections 147, 148, 341, 323, 379, 427, 420, 467, 468, 471/34 of the Indian Penal Code.

3. The allegation against the petitioners is to cheat informant by creating forged document for a piece of land, measuring about 11 katha 18 dhurs of Mauza Rampur Alauli, Thana No. 199 and Jamabandi No. 833.

4. Mr. P.N. Sharhi, learned senior counsel, while arguing



for petitioners submitted that the dispute between the parties primarily appears civil in nature. It is pointed out by Mr. Shahi that in fact the revenue record was interpolated by the agnate of petitioner no. 2, namely, Neeraj Tulsyan. It is further submitted that taking shelter of aforesaid interpolation/fabrication, the informant just to give colour of his illegal act, as a legal act, preferred a Jamabandi case before the D.M., Khagaria, which without proper appreciation of fact and scrutinizing the alleged interpolation, passed Jamabandi order in favour of informant, which upon appeal before the Divisional Commissioner, Munger was set aside in favour of petitioners against which the informant further preferred an appeal, which is pending before the Bihar Land Tribunal, Patna.

5. Explaining criminal antecedent, it is submitted by Mr. Shahi that the petitioner no. 1 involved in six more criminal cases and petitioner no. 2 involved in ten more criminal cases, which all are of similar in nature arising out of land dispute, where the several cases are with agnate of petitioners.

6. Learned APP, duly assisted by learned counsel Mr. Santosh Kumar Singh, appearing on behalf of the informant/opposite party no. 2, while opposing the prayer of bail could not dispute the submission that core dispute is civil in



nature arising out of land dispute, for which the appeal is pending before the BLT as submitted aforesaid by Mr. Shahi.

7. In view of aforesaid factual submissions and by taking note of fact as primarily dispute between the parties are civil in nature, for which the matter is pending before the appropriate forum as submitted aforesaid, accordingly, both above named petitioners, in the event of their arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VIIth, Khagaria/concerned Court, where the case is pending in connection with Alauli P.S. Case No. 208 of 2016 subject to the conditions as laid down under Section 482(2) of the BNSS.

(Chandra Shekhar Jha, J)

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