

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42800 of 2026

Arising Out of PS. Case No.-209 Year-2024 Thana- BHOJPUR COMPLAINT CASE
District- Bhojpur

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1. Sanjeev Kant Gautam S/o Late Rajnikant Mishra R/o.- Parshonda, P.S.- Sahpur, District - Bhojpur, currently residing at 369, Ward No.- 5, Paharpur, Mugalsaray, Beside Jaiswal High Court, District - Chandauli, Uttar Pradesh
 2. Pawan Kumar Mishra S/o Late Nishakant Mishra R/o - Parshonda, P.S.- Sahpur, Dist.- Bhojpur, currently residing at 64 A, Bank Colony, New Bus Stand, Mithapur, Krishi Farm, Phulwari Sharif, District - Patna.
 3. Sunil Mishra S/o Sashikant Mishra R/o - Parshonda, P.S.- Sahpur, Dist.- Bhojpur, currently residing at Lambi Wali Gali, House No. 242, Shahabad Daulatpur, North West, Delhi.

... .. Petitioners

Versus

1. The State of Bihar
2. Raju Kumar Yadav S/o Late Chandranika Yadav R/o - Sonki, P.S.- Sahpur, District - Bhojpur, Bihar, Mob.- 8969491407.

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Nivedita Nirvikar, Sr. Advocate Mr.Vishal Vikram Rana, Advocate Ms.Misha Bharti, Advocate Mr.Utkarsh Vikram Rana, Advocate Mr.Kumar Saurav Dev, Advocate Mr.Akash Priye, Advocate Mr.Rishabh Kr. Rao, Advocate Mr.Md. Matloob Rab, APP
For the Opposite Party/s :		

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 07-07-2026 Heard learned counsel for the petitioners and learned
APP for the State.

2. The accused-petitioners, named in the complaint petition, are apprehending their arrest in connection with Complaint Case No. 209(C) of 2024 registered for the offences punishable under Sections 420, 467, 468, 323 & 504 of the Indian Penal Code.



3. The allegation against the petitioners is to sell a piece of land belongs to complainant which was purchased by his forefather in the year 1992-93.

4. Ms. Nivedita Nirvikar, learned senior counsel appearing on behalf of the petitioners submitted that though the complaint is private in nature, but as NBW has been issued against these petitioners, the same appears maintainable and not covered by the legal report of Hon'ble Supreme Court as available through **Om Prakash Chhawnika alias Om Prakash Chabnika Vs. State of Jharkhand and Anr.** reported in **2026 SCC OnLine SC 676**.

5. It is submitted that the land in issue was purchased by the forefather of the petitioners in the year 1949 in terms of Annexure '2' series (page 48-51) of the present bail petition. It is submitted that in view of aforesaid, apparently the dispute between the parties is of civil in nature, for which the present criminal complaint is completely unoccasioned and unwarranted. Petitioners claimed clean antecedent.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

7. In view of the aforesaid factual submissions and by taking note of the fact as the core issue is the land dispute



between the parties, which can be redressed by way of civil litigation and as such lodging of criminal complaint *prima facie* appears unoccasioned and unwarranted, accordingly, all above-named three petitioners, who are men of clean antecedent, in the event of their arrest/surrender within a period of four weeks from this order, are directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate - 1st Class, Bhojpur at Arrah/concerned court in connection with Complaint Case No. 209(C) of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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