

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47273 of 2026

Arising Out of PS. Case No.-119 Year-2026 Thana- PIPRAKOTHI District- East Champaran

1. Shekh Faruk Son of Shekh Suleman Resident of Village- Chand Saraiya, P.S.- Pipra Kothi, District- East Champaran
2. Sekh Azad @ Md. Azad Son of Shekh Sazad Resident of Village- Chand Saraiya, P.S.- Pipra Kothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

2 22-07-2026 Heard the learned counsel for the petitioners and the learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Pipra Kothi P.S. Case No. 119 of 2026, registered under Sections 126(2), 115(2), 308(3), 318(4), 316(2) & 352 of B.N.S.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant to the effect that the informant purchased a piece of land measuring about 2.5 katha from one Shekh Khalil (since dead) vide registered sale deed dated 18.08.2026 and came in peaceful possession of the same. On 24.02.2026 at about 01:00 P.M., when the informant went to the said plot, he found that



somebody has ploughed the said plot and on enquiry he learnt that the co-accused Hasim Mian and his two sons, namely Istekar Mian and Khurshid Mian have ploughed the same. When he went to the house of the accused persons for an explanation from them, then all the accused persons started assaulting him. It has been alleged that that petitioner no. 2 and Guddu @ Imran who were standing there from before, also joined in assaulting the informant. It has further been alleged that co-accused Istekhar Mian and Guddu @ Imran rapped a towel around the neck of the informant and dragged him on the ground. It has further been alleged that when the informant went to the registration office and made enquiry about the alleged transactions and thereafter he got to know the details of the executant and witnesses of the sale deed and he named 11 persons in the FIR.

4. The learned counsel for the petitioners submits that total 5 katha of land is in dispute and the same was acquired in 1960 by Shekh Munshi and Shekh Jamadar, who were full-brothers. After death of Sekh Jamadar, five sons have got 10 dhur each of the land, coming in their share and in 2006 the elder brother, without consent of other co-sharers sold the entire 2.5 katha of land to the informant. However, the informant was



given possession of only 10 dhur of land. Subsequently, the remaining four brothers jointly sold their share of land to the tune of 2 katha to one of the co-accused Hasim Mian and when Hasim Mian went to plough the same, the present FIR has been lodged. The learned counsel for the petitioner further submits that on account of civil dispute, the present criminal case has been lodged and the petitioners have got a clean antecedent.

5. *Per contra*, the leaned APP appearing on behalf of the State opposes the prayer for bail of the petitioners and submits that the petitioners along with other co-accused persons have assaulted the informant.

6. Considering the rival submissions and after going through the record, it appears that there is a dispute with regard to sale of land and for which the present FIR has been lodged. The informant has got civil remedy, if he has got any grievance against anybody, however to put pressure upon the petitioner and other co-accused, the present FIR has been lodged. Considering the above, let the above named petitioners, in the event of their arrest or surrender within a period of six weeks, be released on anticipatory bail in connection with Pipra Kothi P.S. Case no. 119 of 2026 , on each of them 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 Judicial Magistrate, 1st Class, Motihari, East Champaran, subject to the condition laid down under Section 482(2) of the B.N.S.S., and subject to the following condition:-

(I) That the learned court concerned 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 concerned 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.

(Ritesh Kumar, J)

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