

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49481 of 2026

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

1. Chuman Pathak Son of Birendra pathak R/o -Mishra Bandhaura PS -Vijaipur Distt -Gopalganj
2. Anand Pathak son of Surendra Pathak R/o -Mishra Bandhaura PS -Vijaipur Distt -Gopalganj

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vikash Kumar Shukla, Advocate Mr.Amit Kumar Pandey, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP
For the informant	:	Mr. Vishwajeet Kumar Mishra, Advocate Mr.Prawal Mani Tripathi, Advocate Mr.Kishlay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR
ORAL ORDER

2 22-07-2026 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Vijaipur P.S. Case No. 109 of 2026, instituted for the offences under Sections 318(4), 338, 336(3), 308(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023.

3. Prosecution case, in short, is that informant had been informed over the phone that his land had fraudulently been transferred by co-accused Narendra Pathak, Nandji Pathak and Markhandey Pathak with Amarjeet Ram shown as an identifying witness. When informant returned to his village then on 13.04.2026, he found that accused persons named in the F.I.R., including the petitioners, had forcibly encroached upon his land. When informant raised objection then all the accused



persons allegedly threatened him claiming that Narendra Pathak had purchased the land and demanded Rs.20 Lakh, as extortion, failing which accused persons would kill him.

4. Learned counsel for the petitioners submits that the petitioners have falsely been implicated in the present case on the instance of local inimical persons. He further submits that the petitioners have not assaulted anyone. The counsel also submits that the alleged incident took place due to land dispute. Lastly, the counsel submits that the petitioners have no criminal antecedents and the allegations are general and omnibus.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant submitted that all the accused persons named in the F.I.R., including the petitioners, are Land Mafia and they fraudulently trying to grab the land of the informant.

6. Considering the aforesaid facts and circumstances of the case and the fact that the allegation against the petitioners are general and omnibus in nature, let the petitioners above named, in the event of arrest/surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 15,000/- (Rupees Fifteen Thousand) with two sureties of the like amount



each to the satisfaction of Court below/concerned Court in connection with Vijaipur P.S. Case No. 109 of 2026, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarika Suraksha Sanhita, 2023, subject to the following conditions:

(I) One of the bailors shall be the petitioner's own or close member.

(II) The petitioners shall appear on each and every date fixed during the trial and shall not remain absent on two consecutive dates without sufficient cause.

(III) The petitioners shall not tamper with the prosecution evidence or influence/intimidate any witness during the course of trial.

(IV) The petitioners shall not, forcefully, dispossess the informant from his land.

In case of violation of any of the aforesaid conditions, the Trial Court shall be at liberty to cancel the bail bonds of the petitioners.

(Alok Kumar, J)

Manish/Barkha

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