

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90137 of 2025

Arising Out of PS. Case No.-352 Year-2025 Thana- GANDHIMAIDAN District- Patna

Niranjan Kumar S/O Raj Bihari Sao R/O Gate No.- 95, Infront, Bans Kothi,
Digha Ghat, P.S.- Digha, Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjiv Sharan, Advocate
For the Opposite Party/s	:	Mr. Madhura Nand Jha, APP
For the Informant	:	Mr. Azhar Hussain, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 2 15-01-2026 1. Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the informant.
2. The petitioner apprehends his arrest in connection with Gandhi Maidan P.S. Case no.352 of 2025 registered under sections 318(4), 338, 336(3), 340(2) and 61(2) of B.N.S, 2023.
3. The allegations in the F.I.R. are that the petitioner cheated the informant of a substantial amount of money by deceitfully obtaining his signature on a sale deed, under the false impression that the document pertained to a partition.
4. Learned counsel for the petitioner submits at the outset that the petitioner and the informant are real brothers. While the sale deed is stated to have been executed on 13.12.2024, the present *fardbeyan* was recorded on 01.06.2025,



pursuant to which a formal F.I.R. was registered on 12.06.2025. The informant has failed to give any plausible explanation for the inordinate delay in lodging the F.I.R. It is further submitted that it was the informant himself who executed the sale deed and that the present case has been instituted only with a view to grab the petitioner's money. It is also submitted that the dispute is essentially of a civil nature between brothers, for which the informant has adequate alternative civil remedies available under law.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State and learned counsel for the informant that informant has been duped of his money and offence of cheating have been committed by the petitioner as he has mis-represented before the informant and deceitfully executed the sale deed.

6. After hearing the rival contentions of the parties, it is apparent that there is *bona fide* land dispute between two brothers and the issue primarily involves a civil dispute, for which the informant has recourse to other civil remedies and also considering that there is inordinate delay in lodging of the F.I.R, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within



a period of four weeks, be released on anticipatory bail in connection with Gandhi Maidan P.S. Case no.352 of 2025 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023.

(Soni Shrivastava, J)

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