

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87328 of 2025

Arising Out of PS. Case No.-619 Year-2024 Thana- LAKHISARAI District- Lakhisarai

Nirmal Drolia S/O Late Nandlal Drolia R/O Village- Purani Bazar, P.S. and Distt.- Lakhisarai at present Patliputra Nursing Home, Jora Phatak Road, P.S- Bank More, Distt.- Dhanbad (Jharkhand).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Ajay Kumar Thakur Mrs. Vaishnavi Singh & Mr. Ritwik Thakur
For the Opposite Party/s :	Mr.Satyendra Prasad, APP Mr.Surendra Kumar Singh and Mr. Prakash Chandra Jha, Adv.for Informant

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 10-02-2026 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. The petitioner apprehends his arrest in a case registered for the offence under Sections 316(2), 318(4), 61(2) of the Bhartiya Nyaya Sanhita, 2023 and later on, Sections 338, 336(3) of the B.N.S. were added.

3. Informant alleged that this petitioner fraudulently sold the land of the informant.

4. Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Petitioner has right, title and possession over the land in question and no offence has been committed by him (petitioner) to the bonafide purchaser. He further submits that the land in



question was exchanged in the year 1918 with the land of Khata No. 109, Khesra No.202 belonging to the ancestor of petitioner, which was taken by him and in lieu thereof. by virtue of unregistered agreement because at that time value was less than Rs.100/-, the land of Khata no.100, Khesra No.195 was given to the ancestor of the petitioner. He further submits that subsequently, father of informant sold Khata No. 109, Khesra No. 202 which was khatiyani land of the ancestor of the petitioner in the year 1931 by virtue of sale deed no.2637 dated 7.11.1931 and by that time, value has been fixed and accordingly the said registered sale deed was executed by father of informant in favour of one Haji Mohammad Yakub and in the said sale deed it is mentioned that on exchange the land bearing khata no.109, khesra no.202 having an area 10 decimal came in possession of informant' side. Accordingly, from the aforesaid facts, it is clear that the petitioner, who is descendant of late Muktinath Marwari, came in possession of the said land and accordingly they executed sale deed in favour of co-accused Md. Kalam and Smt. Kanti Devi. Learned counsel further submits that informant has also filed title suit, bearing Title Suit No. 125 of 2024, which is pending in the court of learned Sub Judge, Lakhisarai. Moreover, the case is purely of civil nature.



Petitioner claims clean antecedent.

5. Learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

6. However, considering the fact that dispute is civil in nature and title suit is also pending, the prayer for anticipatory bail of petitioner is allowed. Accordingly, let the above named petitioner, in the event of arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Lakhisarai in connection with Lakhisarai P.S. Case No. 619 of 2024, subject to condition as laid down under Section 482 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

(Prabhat Kumar Singh, J)

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