

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.91283 of 2025

Arising Out of PS. Case No.-438 Year-2022 Thana- COMPLAINT CASE - DANAPUR
District- Patna

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Mithlesh Kumar @ Mithilesh Kumar S/O Late Janak Singh R/O Shahar
Rampur, P.S- Piplama (Naubatpur), Distt.- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Akhilesh Kumar S/O Janak Singh R/O Shahar Rampur, P.S- Piplama
(Naubatpur), Distt.- Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ghanshyam Tiwary
For the Opposite Party/s : Mr. Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 02-04-2026 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Complaint Case No. 438 (C) of 2022 disclosing
offences under Sections 406/420/467/468/471/120(B) of
the Indian Penal Code.
3. A complaint has been filed by opposite party no. 2, stating
therein, that on 16.10.2021, when the complainant came
to his village-Sharampur, the sister-in-law of the
complainant, namely, Ranju Devi, i.e. wife of the
petitioner, demanded 4.125 decimals of land from the
complainant out of the total area of land admeasuring
16.5 decimals for the purpose of marriage of her daughter.



It has further been alleged that wife of the petitioner sold 8.25 decimals of land instead of 4.125 decimals, falling in the share of petitioner and agreed to transfer extra land of 5.25 decimal by way of exchange to compensate the complainant for extra land which was sold by wife of the petitioner. The extra land of the petitioner's share which was to be transferred in exchange in favour of the complainant was also sold by the wife of petitioner.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to family dispute and admittedly the land was sold by wife of the petitioner, Ranju Devi, for performing marriage of their daughter while the petitioner was in jail. He next submits that the petitioner is own brother of complainant and a title suit, bearing Title Suit No. 159 of 2022, was filed by the complainant claiming his share, wherein, a decree was passed by Civil Judge, Senior Division-II, Danapur, declaring the share of complainant. He further submits that in a bail application of petitioner's wife, this Court directed the petitioner's wife to pay a sum of Rs. 1,00,000/- in favour of the complainant. The bail application of the petitioner's wife was decided in Cr.



Misc. No. 584 of 2026.

5. Despite service of notice, no one appeared on behalf of opposite party no. 2.
6. Regards being had to the submissions made on behalf of the parties and taking into consideration the nature of dispute between brother and the fact that in a title suit the share of opposite party no. 2 has been decided and petitioner's wife has been granted bail, I am inclined to grant the petitioner privilege of anticipatory bail.
7. This application is, accordingly, allowed.
8. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate First Class, Patna, in connection with Complaint Case No. 438 (C) of 2002, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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