

IN THE COURT OF PRINCIPAL SESSIONS JUDGE
DISTRICT-GOPALGANJ

Regular Bail Petition No. 355 of 2026

(Arising out of Complaint Case No. 223 of 2016, which relates to offence U/S 420, 467 and 468/34 of the I.P.C.)

In the matter of :-

Name of the petitioner : Madan Rai.

F.I.R. U/S : 420, 467 and 468/34 of the I.P.C.

Charge-Sheet U/S : N.A.

Counsel for the Petitioner: Shri Anand Pratap Singh, Id. Adv.

Counsel for the State : Shri Deo Vansh Giri, Id. P.P.

ORDER

19-05-2026

1. This Bail Application filed on behalf of above named accused-petitioner, who is in judicial custody since 07-04-2026, in connection with Complaint Case No. 223 of 2016, which relates to offence U/S 420, 467 and 468/34 of the I.P.C., is put up for hearing today.

2. The case of the complainant in brief is that land of Khata no. 14 and 18 have been recorded in the name of Gora Rai, Nabab Rai and Mukhtiyar Rai situated in village Jalalpur and they have partitioned their land before R.S. operation and accordingly they came in possession and in possessory of the Khatiyar their possession had been entered. It is further stated that Mukhtiyar Rai had executed a gift deed of his share in favour of ancestor of the complainant. It is alleged that accused Jatin Rai with petitioner Madan Rai have executed a sale deed on 27-01-2006 in favour of accused no. Parwati Devi and Awadhesh Yadav with respect to the valuable land of complainant with a view to create their share in the land of complainant and accused Jitan Rai and Smt. Sita Devi also executed sale-deed on 24-01-2006 in favour of accused Awadhesh Yadav with respect to Khata no. 14 Khesra no. 410 area 3 katha 2 dhur by committing fraud.

3. It is submitted on behalf of accused/petitioner that he is innocent and has committed no offence and has been falsely implicated in this case. It is further submitted that petitioner has got no criminal antecedent. It is further submitted that complainant and petitioner are nephew and uncle and complainant filed this false and fabricated case against the petitioner with a view to grab the properties of the petitioner. It is further submitted that the complainant filed this false case with collusion and conspiracy of Shyambahadur Rai's son and while complainant's father and uncle partitioned all the disputed land from shyam Bahadur Ray on the presence of well wisher of both the parties on dated 13-05-84. It is further submitted that the disputed land is the share of complainant's father and uncle and 3 Katha 2 dhur 6 dhurki land was

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executed in the favour of accused no. 4 by the petitioner which Jamabandi no. 103 in the name of complainant's father and petitioner and no case U/S 420, 467 and 468/34 of the I.P.C. is made out against the petitioner. It is lastly submitted that petitioner is in custody since since 07-04-2026. On such strength, prayer for bail has been made by the petitioner.

4. Heard ld. Counsel appearing on behalf of the petitioner as well as ld. P.P. for the State. Ld. P.P. for the State has opposed the prayer for bail of the petitioner.

5. Having heard both the parties and perused the case record. From the perusal of the record, it transpires that there is land dispute between the parties and both the parties are co-sharers of the recorded land. There is allegation against the petitioner is to transfer the some land along with other accused persons. But from perusal of para-2 of the complaint petition and S.A. of the complainant disclose that complainant has himself admitted that one ancestor namely Mukhtiyar Rai has transferred his property to Gora Rai who are the ancestor of this petitioner. Moreover, from the perusal of the entire complaint petition, it appears that this case is purely civil nature. From perusal of the record, it appears that co-accused Jitan Rai and Smt. Sita Devi have been granted bail in A.B.P. No. 2998 of 2016 and one co-accused Parbati Devi has been granted bail in A.B.P. No. 3370/2016 by the then ld. Sessions Judge, Gopalganj. It further appears that on the basis processes U/S 83 Cr.P.C., petitioner was caught by the police on 06-04-2026 and he was produced before the ld. Court concerned on 07-04-2026 and from where he was taken into judicial custody till 20-04-2026. The petitioner appears to be in custody since 07-04-2026.

6. Considering the aforesaid facts and circumstances of this case and considering the period of custody of the petitioner and without going into the merit of the case, this court is inclined to grant bail to the petitioner and hence, the same is hereby allowed. Petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of like amount each to the satisfaction of the ld. Court below **subject to conditions that one of the bailors shall be close relative of the petitioner and one shall be local and he shall remain present on each and every date before the ld. Court if he fails on two consecutive dates, his bail bonds shall be cancelled by the ld. Court below and he shall not go outside from the State without taking persons of the ld. Court concerned with further condition that**

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petitioner will also file an undertaking that he will cooperate in the investigation or trial and he will not temper with the evidence.

Let a copy of this order along with lower court record be sent to the ld. Lower court for information and needful.

(Dictated)

**(Geeta Gupta)
Principal Sessions Judge, Gopalganj.**