

In the Court of Additional Sessions Judge-V, Muzaffarpur

Bail Petition No. 448/2026

(Arising out of Complaint Case No. 3836 of 2023)

In the matter of:

1. Subodh Jha s/o- Late Gena Jha @Gona Jha aged about 56 years
 2. Lalan Jha s/o Late Mular Jha @ Gular Jha aged about 55 years
- Both are resident of Village- Umapat Basant, P.S.-Aurai
Dist.-MuzaffarpurPetitioner(s)
- Versus
- State of Bihar Opposite Party

Appearance(s)

- | | |
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| Counsel for the Petitioner(s) | : Om Prakash Singh Prakash, Advocate.
Sushil Kumar, Advocate.
Komal Sharma, Advocate. |
| Counsel for the State | : Sadhusharan Prasad, Addl. PP. |
| Counsel for the Informant | : Treta Kumar Dube, Advocate. |

Present: Suman Kumar Divakar
Bihar Superior Judicial Service

Order

04-04-2026

1. The Petitioners are praying for regular bail in connection with Complaint Case No. 3836 of 2023 pending in the court of Sri Ajit Kumar, learned JM 1st Class Muzaffarpur (East) wherein learned magistrate vide its order dated 05-03-2024 took cognizance of the offence under section 420/34 of Indian Penal Code, 1860 (hereinafter referred to as 'IPC' for short). Consequent thereto, summon was issued for appearance of the petitioners followed by issuance of Non-Bailable Warrant which led to their arrest. They have been in judicial custody since 16-03-2026.
2. Briefly stated, the Petitioners are purchaser of the land. The complainant Niteshwar Thakur @ Ratneshwar Thakur has filed complaint petition as referred above and alleged that the land transferred to the petitioners was of his brother Awadhesh Thakur and the vendor wrongly showing himself son of Awadhesh Thakur transferred the land to Petitioners. There is further allegation that the Petitioners in conspiracy with co-accused Sharwan Kumar @ Shrawan Kumar (seller/vendor of the land) purchased the land in question. The Prayer had been made in the complaint petition for taking cognizance under Section 420, 467, 468, 471, 120B, 341, 323, 504, 506 IPC. However, the cognizance was taken under Section 420/34 IPC.
3. Learned Counsel for the Petitioners submits that they have purchased the land after paying full consideration and in all bonafide. Had the land not in the name of the Vendor, the registering authority would not have permitted the registration. The Petitioners have not made any unlawful gain. They are bonafide purchaser. The Petitioner No.2 has one criminal

antecedent in which he is on bail. In wake of such submissions, he prays for bail.

4. Learned Additional Public Prosecutor has opposed the prayer so made on behalf of the petitioners. Learned counsel for the Complainant submits that the Petitioners knew that the land was not of the vendor and despite such fact that they purchased it.
5. Heard the parties. Considered the submissions. Perused the material on records attached with petition. There is an admitted position that the Petitioners are purchaser/vendee. There is no allegation in the complaint petition that they had purchased the land without paying consideration. Furthermore, there is nothing on record or in terms of submission before this court to show that had the vendor transferred the land to the Petitioner by fraudulent means, any complaint either before the Deputy registrar (who permitted the registration) made or any steps taken for cancellation of sale deed before competent authority before filing the complaint. It is clarified that this is for sure not pre-condition for filing the complaint but for gathering satisfaction.
6. In view of above and further, considering the entire gamut of the fact and circumstances of the case coupled with the punishment provided in the alleged offence, that is, up to seven years, I am inclined to enlarge the Petitioners on bail. In the result, the present petition stands **allowed**.
7. It is ordered that the Petitioners namely Subodh Jha and Lalan Jha shall be enlarged on bail on furnishing bail bond(s) of Rupees 10,000/- of two sureties of the like amount each subject to satisfaction of the learned court concerned and further, condition that they would appear each and every date of hearing before the court concerned unless exempted.
8. It is clarified that though Trial Court Record had been called for vide order dated 30-03-2026 but certified copy of relevant order, complaint petition along with Statement on oath, photocopy copy of sale deed and other materials are attached with bail petition which are deemed sufficient to decide the bail petition and thus , calling of trial court record dispensed with.

(Suman Kumar Divakar)
Additional Sessions Judge-V
Muzaffarpur