

IN THE COURT OF DISTRICT & ADDITIONAL SESSIONS JUDGE-III, SAHARSA

Dated, Saharsa, the 12th August, 2026

**Present:- Mohd. Tarique Mustafa, District & Addl. Sessions Judge-III, Saharsa
A.B.A No. 753/2026 (Arising out of Complaint Case No. 470/2024)**

Kundan Kumar Singh & Other.....Petitioners Vs State of Bihar

In the matter of :-

1. Kundan Kumar Singh

2. Amar Kumar Singh both sons of Late Vijay Singh

Both resident of Village – Jalsima, Ward No-03, P.S- Sonbarsa Raj, District- Saharsa

..... Petitioners

Vs

State of Bihar

.....Opposite Party

Appearance :-

For the Petitioners :- Sri Sunil Kumar Singh, Advocate

For the State :- Sri Sadanand Yadav, Ld. A.P.P.

Date of proceeding	Order with the signature of the court	Office action taken with date
12.08.2026	This anticipatory bail petition has been filed on behalf of the petitioners namely 1. Kundan Kumar Singh and 2. Amar Kumar Singh who are apprehending their arrest in connection with Complaint Case No. 470/2024 registered for the offences punishable under Sections 420, and 323 of IPC. 2. Heard the arguments of the learned counsel for the petitioners and the learned A.P.P. for the State. 3. It is submitted by the learned counsel for the accused petitioners that no bail application has earlier been filed on behalf of these petitioners either before this court or before the Hon'ble High Court. That petitioner bears no criminal antecedent. That the petitioners are out and out innocent and have committed no wrong rather they have falsely been implicated in the case out of grudge, malice and nasty party politics of the village. That the pertaining said sold land is in the share of the petitioners and the father of the petitioner namely Vijay Singh and his co-sharers have prepared a Watwarama in the non-judicial stamp dated 10.12.2020 in the presence of the Sarpanch of Gram Kachaheri Biratpur, Sonbarsa Raj	

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<u>Cont/2</u> <u>12.08.2026</u>	and the above sold land is in the share of the father and two uncles of the accused petitioners namely, Vijay Singh, Rambilash Singh and Kailash Singh which is mentioned in the schedule 4 of the said Watwaranama and after the death of the his father the accused petitioners have sold the said land in their own share. That the petitioners have heavy stakes in the village and society and there is no chance of their absconding or misusing the privilege of anticipatory bail as well as tampering with the evidence. Petitioners are men of means and they are ready to abide by the conditions which may be imposed by this court thus it was prays that petitioners may be given privilege of pre-arrest bail. 4. On the other hand, the learned A.P.P. has vehemently opposed the prayer of anticipatory bail. 5. Rival submissions considered, Record perused. 6. The case in brief as per complaint of Shivnarayan Mandal is that accused persons by showing the others land and by saying their own land and taking their trust on 24.02.2023 a registered sale deed, vide sale deed No. 3401 pertaining to 40.037 i.e. 11 Katha of land executed in his name and favour and by getting of Rs. 4 lacs 50 thousand money which executed land is pertaining to Khata new, 102 Khesra 154, area 35.67 Decimal Khata New 163, Khesra New 153, Area 4.367 decimal and Khata New 146, Khesra New 499, Area 8 decimal a total area of the sold land is 48,037 decimal i.e. an area of 11 Katha. Further the complainant alleged that he went to circle officer, Sonbarsa for doing mutation to Circle Office, Saharsa of that very purchased land and filed a mutation Case No. 1632 R, 27/2023-2024 in his name and favour then his mutation case rejected saying this that the seller and the jamabandi raiyat does not	
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<u>Cont/3</u> <u>12.08.2026</u>	find the relation and then the complainant requested to the petitioners accused for the measurement of the land and getting possession then the accused petitioners pretended him for taking time to time and lastly on 11.05.2024 when the complainant went to reach on the house of the accused petitioners and said to refund his money then both the accused persons became angry and abused him in vulgar abuse and they beat him by fists and slaps and threatened him if you approached before their door then they will kill him and will dig on the land and in this way both the accused petitioners cheated him of Rs. 4 lacs 50 thousand and did not refund. 7. On perusal of the lower court record of complaint Case No. 470c/2024, it appears that cognizance is taken for the offences u/ss-420, 323 I.P.C against the present petitioners 1. Kundan Kumar Singh and 2. Amar Kumar vide order dated 18.03.2026 in the Court of Judicial Magistrate, Saharsa. Further, as per complaint there is allegation against petitioners is that by showing the others land and by saying their own land and taking their trust on 24.02.2023 a registered sale deed, vide sale deed No. 3401 pertaining to 40.037 i.e. 11 Katha of land executed in their name and favour. Further petitioners also claimed that pertaining said sold land is in the share of the petitioners and the father of the petitioners namely Vijay Singh and their co-sharers have prepared a Watwarama in the non-judicial stamp dated 10.12.2020 in the presence of the Sarpanch of Gram Kachaheri Biratpur, Sonbarsa Raj and the above sold land is in the share of the father and two uncles of the accused petitioners namely, Vijay Singh, Rambilash Singh and Kailash Singh which is mentioned in the schedule 4 of the said Watwaranama and after the death of the his father the accused petitioners have sold the said land	
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in their own share. Further there is no any specific allegation against the petitioners. The sale deed executed by the petitioners by claiming their own land, which devolved upon them as being legal heir and successor of Vijay Singh. Further, it appears that, dispute between the parties, appears to be predominantly civil in nature. As per para-3 of their bail applications petitioners bear no any criminal antecedent.

8. Considering the facts and circumstances of this case, the anticipatory bail petition of petitioners **1. Kundan Kumar Singh and 2. Amar Kumar Singh** is hereby **allowed** and it is ordered that in the event of arrest/surrender within four weeks from the production of copy of order they will be enlarged on anticipatory bail on furnishing by them bail-bonds of Rs.10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned court below subject to the conditions that they shall co-operate in the Trial and remain present on each date, and in the event of failure on the part of petitioners to appear before court on two consecutive dates, the prosecution shall be at liberty to move for cancellation of their bail bonds.

(Dictated)

Sd/-

(Mohd. Tarique Mustafa)
District & Addl. Sessions Judge-III,
Saharsa

Date of Judgement/Order	12.08.2026
Date of Reserving Judgement/Order	12.08.2026
Uploading Date	
Uploaded by	Ujjawal Kumar (Stenographer)