

In the court of District & Addl. Sessions Judge III, Bagaha, West Champaran.

**Anticipatory Bail Petition No. 177/2026**  
**Registration No.-177 /2026**  
**(Arising out of Pathkhauli P.S.Case No. -43/2025)**

1. Nitin Kumar, S/o-Deepak Kumar Prasad  
r/o village-Sahu Road Bagaha Bazar, P.S-Bagaha  
2. Vishwajeet Kumar, S/o-Lalkeshwar Prasad  
r/o Bankatawa, ward no.23, P.S-Bagaha  
3. Harendra Prasad, S/o-Banarasi Prasad  
r/o Chakrasan Chauhatta, P.S-Manpur  
4. Balkrishna Mishra, S/o-Sanjay Mishra  
r/o village-Bhatahiya Patidar ward no.13, P.S-Chautarwa  
All district-West Champaran.....Petitioners  
vs  
State of Bihar.....Opposite Party

25.03.2026 Petitioners 1. Nitin Kumar 2. Vishwajeet Kumar 3. Harendar Prasad 4. Balkrishna Mishra are apprehend their arrest in connection with Pathkhauli PS Case No. 43/25 u/s 318(4), 329(1), 329(3), 111(2), 111(3), 111(4), 111(6), 111(7), 336(2), 338, 351(2), 329(4), 340(2), 308(1), 308(2), 61(2) of the BNS pending in the learned court of the ACJM-1st Bagaha and have filed the present petition which has been pressed today. Copy of the same has already been supplied to the learned PP In-charge for state.

Sri Brajeshwar Bharti, learned counsel for the petitioners and Sri Prabhu Prasad, learned P.P.In-charge for the state are present before the Court.

The case of the prosecution in brief as narrated in the petition of informant/complainant is that Pankaj Kumar Pandey and Abhay Pratap Pandey are mastermind of a organized *Bhu- Mafia syndicate*. It has been stated that Raju Pandey and Uday Pratap Pandey have executed sale Deed No.10959 dated 04.10.2024 in favour of accused Poonam Devi by committing forgery under a conspiracy despite the knowledge that said land was decreed in favour of the informant by the learned Court of Sub-Judge-I Bagaha in Partition Suit No.65/2012 and on the alleged sale deed Pankaj Kumar Pandey and Abhay Pratap Pandey are identifier and witness . Another sale deed no.10963 dated 04.10.2024 was also got executed in favour of accused person no.6 to 13 as mentioned in complaint petition under conspiracy and forgery on which Pankaj Kumar Pandey and is identified and witness. FIR was registered on the basis of complaint petition of the complaint/informant u/s-156(3) Cr.P.C.

It is submitted on behalf of the petitioners that they are quite innocent and have committed no offence as alleged against them. Their implication in the present case is totally false and concocted. This is the first anticipatory bail application filed on behalf of the petitioners named above in this case. Prior to this, no bail application has ever been filed by or on behalf of these petitioners either before this court or before the Hon'ble High Court at Judicature of Patna. Petitioners Nitin Kumar, Vishwajeet Kumar & Balkrishna Mishra have no criminal antecedent and petitioner Harendra prasad has three criminal antecedents, 1. Sahodara P.S. case no. 51/2014 2. Manpur P.S. case no. 2/2013 and 3. Sahodara P.s. case no. 60/2014. The alleged provisions U/s 111(2), 111(3), 111(4), 111(6), 111(7) BNS are not applicable to the petitioners and have been added only to make the offences appear serious in

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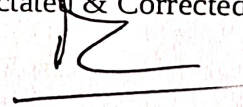
nature. Further offences u/s 318(4), 336(2), 336(3), 338 of the BNS are also not made out, as the petitioners have neither committed any forgery nor prepared or used any forged document. The offence u/s 308(2) of the BNS is also not made out, as the petitioners had no intention to put any person in fear of injury or to dishonestly induce any person to deliver property. Hence, the petitioners may kindly be granted anticipatory bail.

On the other hand learned Addl. P.P vehemently opposed the prayer of anticipatory bail of the petitioners and submitted that petitioners have committed forgery under a conspiracy and they do not deserve privilege of anticipatory bail.

Heard the parties and perused the trial Court record. Upon perusal of the same it appears that the present case arised out of a land dispute. The petitioners are stated to be bonafide purchasers of the disputed land, which is prima facie supported by Sale Deed No. 10963 dated 04.10.2024. Executed by the descendants of recorded tenants. It further transpires that after completion of police investigation, final form was submitted. Differing with the same, the learned ACJM I has been pleased to take cognizance against the accused persons u/s 318(4), 329(1), 329(3), 111(2), 111(3), 111(4), 111(6), 111(7), 336(2), 336(3), 338, 351(2), 329 (4), 340(2), 308(1), 308( 2), 61(2). of the BNS.

Considering the facts and circumstances of the case and material available on record as discussed above, petitioners in event of their arrest or surrender before the learned Court below within a period of one month from the date of receipt/production of a copy of this order, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Court below subject to the conditions as laid down u/s-438(2) Cr.P.C.

(Dictated & Corrected)



(Ravi Ranjan)

I/C District & Addl. Sessions Judge III