

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45808 of 2014

Arising Out of PS.Case No. -418 Year- 2014 Thana -KANTI District- MUZAFFARPUR

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1. Ganga Ram son of Late Kanutar @ Kabutar Ram
 2. Surendra Ram Son of Ganga Ram
 3. Ganesh Paswan son of Hitan Paswan
 4. Tunna Paswan Son of Ganesh Paswan
 5. Sahdeo Paswan Son of Shital Paswan.
 6. Devendra Paswan Son of Sahdeo Paswan.
 7. Raghuvir Paswan Son of Sahdeo Paswan.
 8. Arjun Paswan Son of Sahdeo Paswan.
 9. Gonaur Paswan Son of Tunna Paswan.
 10. Shiv Balak Ram Son of Ganesh Ram
 11. Upendra Paswan Son of Bilas Paswan.
 12. Usha Devi Wife of Upendra Paswan
 13. Raman Ram Son of Late Kabutar Ram
 14. Bachchi Devi Wife of Ganga Ram
 15. Sangita Devi Wife of Balendra Ram
 16. Pinki Devi Wife of Surendra Ram
 17. Girja Devi Wife of Ganesh Paswan
 18. Munni Devi Wife of Tunna Paswan
 19. Kaushalya Devi Wife of Sahdeo Paswan
 20. Lalita Devi Wife of Devendra Paswan
 21. Anjali Devi Wife of Raghuvir Paswan
 22. Radha Devi Wife of Ravindra Paswan
 23. Nitu Devi Wife of Arjun Paswan All R/O- Village - Bheriyahi Salona,
P.S. - Kanti (O.P. - Panapur), District - Muzaffarpur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Alok Kumar Alok, Advocate.

For the Opposite Party : Mr. Ajay Kumar 2 (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 06-07-2015 Heard both sides.

The petitioners apprehend their arrest in Kanti P.S. Case
No. 418 of 2014, registered for the offences punishable under
Sections 353, 436 and other Sections of the Indian Penal Code.



The Circle Officer gave written a report on the basis of which the present FIR was lodged that in pursuance of the order passed in M.J.C. No. 1194 of 2014, and the order passed by the Sub-Divisional Magistrate, West Muzaffarpur, he went to village Bheriyahi Solona with armed force to remove the encroachment, but the petitioners put hindrance in the removal of encroachment and also set ablaze the huts standing thereon.

Learned counsel for the petitioners submits that there is no order passed in M.J.C. No. 1194 of 2014. Firstly, the petitioner no. 1 Ganga Ram, the petitioner no. 3 Ganesh Paswan and Sahdeo Paswan petitioner no. 5 were asked to remove the encroachment against which they move before this Court in C.W.J.C. No. 11038 of 2013 and the order of removing the encroachment was set aside with a direction to the authority to pass order afresh after giving notice to the encroachers. Thereafter, the order for removing the encroachment was passed on 09.04.2014.

On the other hand, the learned counsel appearing on behalf of so-called aggrieved persons has submitted that the road has been encroached, but fails to show any order passed in M.J.C. No. 1194 of 2014 and it is further submitted that the same is still pending, but no order is passed and the authority has filed their show-cause.

Considering the facts aforesaid that omnibus and general allegation is made about putting hindrance in removal of encroachment and setting ablaze the huts against the petitioners and there are many female petitioners, the petitioners above named, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged 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 the Learned Sub-Divisional Judicial Magistrate (West), Muzaffarpur in Kanti P.S. Case No. 418 of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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