

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55696 of 2019

Arising Out of PS. Case No.-287 Year-2018 Thana- KALYANPUR District- East Champaran

1. BIRENDRA SINGH Son of Late Yamuna Singh Resident of Village - Basdeo Chhapara, P.S.- Kalyanpur, Dist.- East Champaran.
2. Rahul Singh @ Rahul Kumar Son of Birendra Singh Resident of Village - Basdeo Chhapara, P.S.- Kalyanpur, Dist.- East Champaran.
3. Suresh Singh Son of Late Yamuna Singh Resident of Village - Basdeo Chhapara, P.S.- Kalyanpur, Dist.- East Champaran.
4. Alok Kumar Son of Pappu Singh Resident of Village - Basdeo Chhapara, P.S.- Kalyanpur, Dist.- East Champaran.
5. Awanish Singh S/o Birendra Singh Resident of Village - Basdeo Chhapara, P.S.- Kalyanpur, Dist.- East Champaran.
6. Ranjeet Thakur @ Ranjeet Kumar S/o Shiv Kumar Thakur Resident of Village - Dhuruvpakari, P.S.- Kalyanpur, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bal Govind Sharma, Advocate
For the Opposite Party/s : Mr. Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

5 16-11-2019 Heard the learned counsel for the petitioner and the State.

The petitioner seeks bail in anticipation of their arrest in connection with Kalyanpur P.S. Case No. 287 of 2018 dated 13.12.2018 instituted for the offences under Sections 341, 323, 325, 307, 427, 504 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

After the anti-encroachment drive was over,



the owner of the JCB machine which was used for removing the encroachment and its driver were assaulted by some of the persons whose constructions/encroachment were removed in such drive. The petitioners also have been named as part of the mob. Two of the accused persons are said to have been arrested while fleeing away.

Learned counsel for the petitioners has submitted that there is a counter version of the occurrence and the dispute actually is between the owner of the JCB machine, at whose instance the anti-encroachment drive was conducted and one Chandrashekhar Singh. The petitioners' land was not cleared of any construction. In fact, the petitioners are not said to have made any encroachment and they have been named only because of their showing sympathy with the person who was on litigating terms with Nasir Alam.

The petitioners are stated to have clean antecedents.

For the reasons stated above viz. no definite accusation against the petitioners and their being persons of clean antecedents, they are directed to be released on bail, 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, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Kalyanpur P.S. Case No. 287 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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