

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62060 of 2019**

Arising Out of PS. Case No.-278 Year-2017 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. MD. ALAM Son of Ramzani
 2. Md. Raushan Ali Son of Gafoor
 3. Md. Wakil Ahmad @ Md. Wakil Ansari Son of Higan Ansari
 4. Nazmul Hassan Khan Son of Nabi Hasan Khan
 5. Md. Shahzada Khan Son of Md. Rahman Khan
 6. Md. Mazid Ansari @ Mazid Ansari Son of Higan @ Higan Ansari
 7. Khursheed Ahmad Khan Son of Md. Issa Khan @ Isha Khan
All Resident of Mohalla Kathalbari, Police Station- L.N.M University
District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-10-2019 The petitioners apprehend their arrest in connection with
L.N.M.U. P. S. Case No. 278 of 2017 registered under Sections
147, 153A, 323,341 and 353 of the Indian Penal Code.

Allegation against the petitioners is that petitioners along
with 300-400 unknown persons prevented the authorities from
removing encroachment from the plot no. 9712 in compliance of
order passed by this Court in CWJC No. 5749/2015 and MJC
NO. 3770/2016.

Learned counsel appearing on behalf of the petitioners



submits that petitioners have falsely been implicated in this case inasmuch as petitioners are having their residential houses upon the plot in question and only on that basis, they have been named in the FIR. He further submits that in fact 300-400 persons had assembled to prevent the authorities from removing the encroachment from the land in question. Learned counsel referring to Annexure-4 submits that this Hon'ble Court in a writ application bearing CWJC No. 4183 of 2018 filed by the person whose house is on the plot in question, has granted *status quo*. Learned counsel further submits that petitioners are very old residents who have constructed their houses upon the land in question, which was settled in their favour by Darbhanga Raj and have been continuing upon the same for the last many years and their ancestors also used to reside in the same house.

Having regard to the submissions made by the parties and taking into consideration the fact that in a similarly situated matter, this Court has granted *status quo* in CWJC No. 4183 and there is general and omnibus allegation against the petitioners along with 300-400 unknown persons, as such I am inclined to grant anticipatory bail to the petitioners.

Let the petitioners, above-named, in the event of arrest or surrender before the court below within a period of four weeks



from the date of receipt of a copy of this order, be released on bail upon furnishing bail bond of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of the learned CJM, Darbhanga in connection with L.N.M.U. P.S.Case No. 278 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

sujit/-

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