

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34493 of 2020

Arising Out of PS. Case No.-244 Year-2018 Thana- LAKHNAUR District- Madhubani

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Ram Sogarath Saday, S/o Budhiyar Saday, R/o Vill-Belaucha, P.S. Lakhanaur, District-Madhubani.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Adv.
For the Opposite Party/s : Dr. Mritunjay Kumar Gautam, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 25-05-2021 Heard learned counsel for the petitioner and

learned counsel for the State via video conferencing.

2. The petitioner seeks pre-arrest bail in connection with Lakhanaur P.S. Case No. 244 of 2018 registered for the offences punishable under Sections 353, 406, 420, 467, 468 and 469 of the Indian Penal Code.

3. As per the prosecution case, the petitioner and his brother encroached the land adjacent to the road appertaining to khata no. 185 (old), 712 (new), khesra no. 6223 (old), 10188 (new) and when the documents related to the land was demanded, they produced the documents which were sent for enquiry to revenue employee. After enquiry, the documents were found to be forged and fabricated. It has further been



alleged that after removal of encroachment, again and again the petitioner encroached the land by constructing the hut and caused obstruction to the government official in discharging their official duties.

4. Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case at the instance of his enemies due to land dispute. He has no concern with the plot in question and has neither produced documents with regard to the land in question nor has made any encroachment over the same as alleged by the prosecution. He has his homestead land adjacent to the land in dispute over plot no. 10150. This fact would also be evident from the report of Anchal Amin dated 05.07.2017. He further submitted that by no stretch of imagination, the allegation made in the FIR would constitute any criminal offence.

5. On the other hand, learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegations made in the FIR and the submissions advanced at the bar, in the event of arrest or surrender, the petitioner is 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 A.C.J.M.1st, Jhanjharpur, district-Madhubani in connection with Lakhanaur P.S. Case No. 244 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

7. Since the court proceedings are being conducted through virtual mode, it is considered appropriate to adopt the following procedure for communication of the present order:-

- (i) The order, which has been dictated during the course of proceeding of the virtual court, shall be communicated to me electronically by the Joint Registrar-cum-Addl. PPS.
- (ii) The corrected copy of the order shall be transmitted by me to the Joint Registrar-cum-Addl. PPS electronically, which shall be treated to be an authentic copy of the order passed by this Court in the present proceeding.
- (iii) Hard copy of the order duly signed by me shall be preserved in my residential office for documentation and future use, if any.
- (iv) Let steps be taken by the Joint Registrar-cum-Addl. PPS/registry for up-loading of the present order



without compromising with the norms of social distancing.

(Ashwani Kumar Singh, J)

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