

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31878 of 2020

Arising Out of PS Case No.-33 Year-2020 Thana- KARGAHAR District- Rohtas

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1. Ram Raj Ram, Male, aged about 50 years, Son of Bashropan Ram.
 2. Deepak Paswan, Male, aged about 28 years, Son of Ramjee Paswan.
 3. Deepak Kumar, Male, aged about 25 years, Son of Sardar Ram.
 4. Narendra Ram, Male, aged about 38 years, Son of Tengri Ram.
 5. Rakesh Kumar, Male, aged about 20 years, Son of Ashok Ram.
 6. Kameshwar Ram, Male, aged about 48 years, Son of Sanahi Ram.
 7. Phultara Devi, Female, aged about 25 years, Wife of Pappu Ram.
 8. Chandamuni Devi, Female, aged about 40 years, wife of Laxman Ram.
 9. Kusumi Devi, Female, aged about 50 years, Wife of Late Jagropan Ram.
 10. Sunita Devi, Female, aged about 30 years, Wife of Arvind Kumar Ram.
 11. Punam Devi, Female, aged about 24 years, Daughter of Manshi Ram, Wife of Abhimanyu Kumar.
 12. Umesh Ram, Male, aged about 22 years, Son of Shyam Lal Ram.
All Residents of Village-Semari, PS-Kargahar, District-Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Advocate
For the State	:	Ms. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 05-03-2021

Heard Mr. Vikarm Deo Singh learned counsel for the petitioners and Ms. Gulnar Begum, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

2. The petitioners apprehend arrest in connection with Kargahar PS Case No. 33 of 2020 dated 15.02.2020, instituted



under Sections 147/148/149/323/341/342/338/427/307/353/504 and 506 of the Indian Penal Code.

3. Learned counsel for the petitioners submitted that he may be permitted to withdraw the application on behalf of petitioner no. 2, namely Deepak Paswan and petitioner no. 12, namely Umesh Ram, as they have been arrested.

4. In view thereof, as prayed for, the application on behalf of petitioner no. 2, namely Deepak Paswan and petitioner no. 12, namely Umesh Ram, stand disposed off as withdrawn and is restricted to the remaining petitioners.

5. The allegation against the petitioners is that when police went to clear the encroachment, they had formed a mob and had assaulted the police party and also threw brick-bats on the driver of the JCB which is also alleged to have been damaged by them.

6. Learned counsel for the petitioners submitted that the petitioners have been settled the lands in question, in support of which he drew the attention of the Court to Annexure-2 to the application. It was submitted that if at all the administration finds that the petitioners have exceeded the area allotted to them, they undertake to vacate the same after due spot verification in which they shall co-operate. It was further submitted that the petitioners



have no criminal antecedent and even if it is assumed that something happened, it was only because they were protecting their home which they may have built after great struggle, on the land which was duly allotted to them by the State Government.

7. Learned APP submitted that the petitioners were obstructing the police in performing their duty.

8. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner no.1, namely Ram Raj Ram; petitioner no. 3, namely Deepak Kumar; petitioner no. 4, namely Narendra Ram; petitioner no. 5, namely Rakesh Kumar; petitioner no. 6, namely Kameshwar Ram; petitioner no. 7, namely Phultara Devi; petitioner no. 8, namely Chandamuni Devi; petitioner no. 9, namely Kusumi Devi; petitioner no. 10, namely Sunita Devi and petitioner no. 11, namely Punam Devi be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-III, Sasaram (Rohtas) in Kargahar PS Case No. 33 of 2020, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further, (i) that one of the bailors shall be a close relative of the remaining petitioners,



(ii) that the petitioners and the bailors shall execute bond with regard to good behaviour of the petitioners, and (iii) that the petitioners shall also give an undertaking to the Court that they shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of their bail bonds. The petitioners shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of their bail bonds.

9. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioners, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioners.

10. Further, as has been undertaken by learned counsel for the petitioners, if the authorities initiate a proceeding against the petitioners for removal of any encroachment, they shall co-operate in the same as also in the actual spot verification to get the area demarcated with regard to their claim that the land has been legally settled with them, in terms of the official revenue records.



Upon the exercise the petitioners shall also ensure that if it is found that they had exceeded the area allotted to them, they shall either vacate the excess area themselves or shall allow the authorities to clear such area of the encroachment. Any non-cooperation in this exercise shall also result in cancellation of their bail bonds.

11. The application stands disposed off in the aforementioned terms.

12. Learned APP shall communicate the order to the District Magistrate, Rohtas and also the Superintendent of Police Rohtas forthwith.

(Ahsanuddin Amanullah, J.)

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