

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35937 of 2020

Arising Out of PS. Case No.-41 Year-2020 Thana- CHARPOKHARI District- Bhojpur

1. Ram Ishwar Bhagat, aged about 65 years, Male, S/o Late Rajdeo Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
2. Birendra Bhagat, aged about 32 years, Male, S/o Ram Ishwar Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
3. Jagarnath Bhagat, aged about 62 years, Male, S/o Late Hansh Raj Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
4. Sipahi Bhagat, aged about 50 years, Male, S/o Late Munni Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
5. Sanjay Bhagat, aged about 35 years, Male, S/o Bharath Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
6. Manjay Bhagat, aged about 32 years, Male, S/o Bharath Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
7. Rinku Bhagat, aged about 28 years, Male, S/o Sipahi Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
8. Ritesh Bhagat, aged about 25 years, Male, S/o Sipahi Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
9. Babudhan Bhagat, aged about 35 years, S/o Jagarnath Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
10. Hare Ram Bhagat, aged about 32 years, Male, S/o Jagarnath Bhagat, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
11. Shio Shankar Ram, aged about 30 years, Male, S/o Ramjee Ram, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).
12. Ram Pravesh Ram, aged about 55 years, Male, S/o Late Mahesh Ram, Resident of Village-Mansagar, P.S-Charpokhari, District-Bhojpur (Arrah).

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Vardhan Narayan
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 07-04-2021 Heard the learned counsel for the petitioners and the
learned Additional P.P. through video conferencing.



Learned counsel for the petitioners submits that petitioner no.2, Birendra Bhagat, petitioner no.3, Jagarnath Bhagat, petitioner no.6, Manjay Bhagat, petitioner no.7, Rinku Bhagat, petitioner no.8, Ritesh Bhagat and petitioner no.11, Shio Shankar Ram have already been arrested, therefore, he seeks permission to withdraw the anticipatory bail petition filed on their behalf.

Prayer is allowed.

The anticipatory bail petition filed on behalf of petitioner no.2, Birendra Bhagat, petitioner no.3, Jagarnath Bhagat, petitioner no.6, Manjay Bhagat, petitioner no.7, Rinku Bhagat, petitioner no.8, Ritesh Bhagat and petitioner no.11, Shio Shankar Ram is dismissed as withdrawn.

Petitioner no.1, Ram Ishwar Bhagat, petitioner no.4, Sipahi Bhagat, petitioner no.5, Sanjay Bhagat, petitioner no.9, Babudhan Bhagat, petitioner no.10, Hare Ram Bhagat and petitioner no.12, Ram Pravesh Ram apprehend their arrest in Charpokhari P.S. Case No.41 of 2020, registered under Sections 147, 148, 149, 506, 427, 384 and 327 of the Indian Penal Code.

The informant, Raj Kumar Bhagat named the petitioners and others and alleged that by the order of the Sub-divisional Magistrate as contained in Memo No.1229, dated



25.08.2017, the Circle Officer got the land measured and also got the encroachment removed from the land. On 08.03.2020, the *Maale* (माले) leaders, namely, Ram Ishwar Bhagat, the petitioner no.1 and others forcible constructed 20 huts on the land and also damaged the wheat crops.

Learned counsel for the petitioners submits that Ram Pravesh Ram, petitioner no.12 filed a petition before the Public Grievance Redressal Authority and on such, the public Grievance Redressal Authority found that the Circle Officer illegally settled the lands in favour of Raj Kumar Bhagat and others. At the instance of Ram Pravesh Ram, petitioner no.12, a proceeding was initiated for cancellation of illegal settlement made in favour of the informant and others on the ground that in fact the informant and others are not landless and a definite finding is recorded by the District Public Grievance Redressal Officer.

Having considered the facts and nature of allegation made against the petitioners, I find that the petitioners deserve anticipatory bail.

Accordingly, petitioner no.1, Ram Ishwar Bhagat, petitioner no.4, Sipahi Bhagat, petitioner no.5, Sanjay Bhagat, petitioner no.9, Babudhan Bhagat, petitioner no.10, Hare Ram



Bhagat and petitioner no.12, Ram Pravesh Ram in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bonds of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned CJM, Bhojpur at Arrah in connection with Charpokhari P.S. Case No.41 of 2020, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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