

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39636 of 2020

Arising Out of PS. Case No.-93 Year-2020 Thana- BIHTA District- Patna

1. Tunnu Singh @ Chandan Kumar, S/o D.N. Singh @ Dinanath Singh @ Dinanath Sharma R/o village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna
2. Awadhesh Sharma, S/o Late Devlal Singh @ Toran Singh R/o village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna
3. Sudhir Singh @ Sudhir Kumar, S/o Ram Chandra Singh R/o village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna
4. Dara Singh, S/o Lallan Singh R/o village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna
5. Nitya Singh @ Nitya Nand Sharma, S/o Ram Pravesh Singh R/o village- Neuri, P.S.- Bihta (Neora O.P.), District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Priyedarshi- Advocate
For the Opposite Party/s : Mr. Raj Kishore Singh- A.P.P.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 03-06-2021 Heard Mr. Pushpendra Priyedarshi, the learned Advocate for the petitioners and Mr. Raj Kishore Singh, the learned APP for the State.

The petitioners seek bail in anticipation of their arrest in connection with Bihta (Neora) P. S. Case No.93 of 2020, instituted for the offences under Sections 147, 148, 149, 341, 323, 379, 427, 436, 307, 504 and 506 of the Indian Penal Code.

About 35 persons have been named in the first



information report including the petitioners, but there is no specific accusation against any one of them. The allegations in the first information report is of taking away valuables from the house of the petitioner and also setting fire to the vehicles parked there.

Learned counsel for the petitioner has submitted that the prosecution story, in the first instance, does not appear to be correct as it does not appear to be probable that in presence of so many people surrounding the house of the informant, the informant and his son would walk away from that house unscathed . Apart from this, it has been submitted that the informant is in the habit of encroaching upon public land and in one such incident, his attempt at encroaching the land met with stiff local resistance as it prevented the flow of water which was being used for irrigating their fields. An order also has been passed by an Executive Authority directing the informant to remove the encroachment from the said land. Because of the villagers making complaint against the encroachment of land by the informant, the present case has been lodged in order to wreak vengeance on the villagers, which includes the petitioner as well. Some of the accused persons of this case are stated to have been granted anticipatory bail by a Bench of this Court.



Considering the afore-stated facts, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of eight weeks, are directed to be released on bail on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Bihta (Neora) P. S. Case No.93 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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