

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.960 of 2021

Arising Out of PS. Case No.-41 Year-2020 Thana- SHAMBHUGANJ District- Banka

1. RAHUL KUMAR @ RAHUL Son of Raj Kumar Sah, Resident of Village- Mirzapur, P.S.- Shambhuganj, District- Banka.
2. Ankit Kumar Son of Nandu Sah, Resident of Village- Mirzapur, P.S.- Shambhuganj, District- Banka.
3. Radha Devi Wife of Raj Kumar Sah, Resident of Village- Mirzapur, P.S.- Shambhuganj, District- Banka.
4. Krishna Devi Wife of Nityanand Sah, Resident of Village- Mirzapur, P.S.- Shambhuganj, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Opposite Party/s : Mr. Ram Sevak Choudhary

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 29-10-2021 Heard learned counsel for the petitioners and learned
APP for the State through video conferencing.

Learned counsel for the petitioners is directed to
remove all the defects pointed out by the office within one
month.

In this case, the petitioners apprehend their arrest in
connection with Shambhuganj P.S. Case No. 41 of 2020
registered for offence punishable under sections 147, 341, 323,
354(B), 386, 504 and 506 of the Indian Penal Code.

As per allegation, co-accused persons have put a



Gumti in front of the house of the informant. The Anchal Amin, in presence of the villagers, conducted the measurement of the land and thereafter it was found that the *Gumti* was placed after encroachment of the land. Accordingly, the District Administration directed the accused persons to remove the *Gumti*. The accused persons demanded Rs.2,00,000/- in lieu of removal of the *Gumti*. It is further alleged that on 19th February 2020, the accused persons started erecting wall on the disputed land and also threatened the family members of the informant.

Learned counsel for the petitioners has submitted that admittedly there is dispute in respect of encroachment. He has further submitted that there is nothing in the FIR which shows that the accused persons assaulted or committed any type of atrocities on the member of the informant. He has also submitted that the petitioner nos. 3 and 4 are ladies.

The First Information Report shows itself that as per allegation, the accused persons have forcibly raised wall, but there is nothing in the FIR which shows that any scuffle or mar-pit has taken place.

Considering the above facts and circumstances, let the petitioners above named, in the event of their arrest or surrender, within four weeks from today, be released on bail on furnishing



bail bonds of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Banka in connection with Shambhuganj P.S. Case No. 41 of 2020, subject to condition as laid down under section 438(2) Cr. P.C.

Office shall ensure that all defects are removed by the appellants within the stipulated time mentioned in paragraph 2 hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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