

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11776 of 2021

Arising Out of PS. Case No.-321 Year-2020 Thana- DIGHA District- Patna

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1. UDAY SAH S/O- Late Madan Sah Resident of Village - Digha, Chauhatta Gandhi Gali, P.S. - Digha, Distt. - Patna.
 2. AJAY SAH S/O- Late Madan Sah Resident of Village - Digha, Chauhatta Gandhi Gali, P.S. - Digha, Distt. - Patna.
 3. BINAY SAH S/O- Late Madan Sah Resident of Village - Digha, Poleson, P.S. - Digha, Distt. - Patna.
 4. BINOD SAH S/O - Late Madan Sah Resident of Village - Digha, Poleson, P.S. - Digha, Distt. - Patna.
 5. SANJAY SAW S/O- Lal Babu Saw R/V- Digha Chauhatta Gandhi Gali, P.S. - Digha, Distt. - Patna.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR.
2. Prakash Chandra Raju S/o- Chandradip Baitha R/o Vill - Jalalpur, P.O.- Imadpur, P.S. - Sarai, Distt.- Vaishali at present Executive Engineer, Bihar State Housing Board, Digha Camp office, Patna.

... .. Opposite Party/s

Appearance :

For the Petitioners	:	Mr. Vijay Kumar Sinha, Advocate
For the State	:	Mr. Yogendra Kumar Singh, APP
For the Housing Board	:	Mr. Rabindra Kumar Priyadarshi, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

12 12-09-2022

Heard learned counsel for the parties.

The petitioners apprehend their arrest in connection with Digha P.S. Case No.321 of 2020, registered for the offences punishable under Sections 419, 420, 467, 468 and 471 of the Indian Penal Code.

Vide order dated 22.02.2022, the petitioners were granted provisional anticipatory bail.



The allegation against the petitioners is that they encroached upon the government land.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in the present case. It is submitted that the petitioners have got no criminal antecedent as stated in paragraph-3 of the bail application. It is further submitted that similarly situated co-accused persons have already been enlarged on anticipatory bail vide order dated 01.12.2021 and 06.06.2022, passed in Cr. Misc. No.8331 of 2021 and Cr. Misc. No.28650 of 2021. It is submitted that there is no allegation of tampering of witnesses alleged against the petitioners. Learned counsel for the petitioners submits that the petitioners undertake that if it is found that the petitioners have encroached upon the land of the Housing Board, they will remove the same.

Learned counsel appearing on behalf of Housing Board opposed the prayer for anticipatory bail of the petitioners and submitted that the compensation amount has already been paid to the land holder and the land is in possession of Housing Board, but the learned counsel for the petitioners disputed this fact.

Taking into consideration the facts aforesaid, the



provisional anticipatory bail granted on 22.02.2022 is hereby
confirmed

(Anjani Kumar Sharan, J)

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