

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3940 of 2022

Arising Out of PS. Case No.-465 Year-2020 Thana- PARBATTa District- Khagaria

1. MD. ALI IMAM S/o Irfan R/o village and P.S.- Parbatta, District- Khagaria
2. Md. Noman @ Md. Numan S/o Irfan R/o village and P.S.- Parbatta, District- Khagaria
3. Md. Inam S/o Irfan R/o village and P.S.- Parbatta, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 16-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioners apprehend their arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 337, 338, 188, 353 and 427 of the Indian Penal
Code.

Learned counsel for the petitioners submits that
petitioners have antecedent of one case and as far as petitioner
no. 1 and 2 are concerned, the police after investigation
submitted final form in their favour.

The informant alleges that he had gone to remove the



encroachment of Keshre Hind land on 17.12.2020 situated in front of the block headquarter when the accused persons including 20 unknown accused appeared and suddenly attacked the officer and police party, started pelting bricks and obstructed them in discharge of their official duty and even got the glass of the JCB damaged which was engaged in removing of the encroachment in which some passersby were also injured.

Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in the present case. It is next submitted that the land from which the informant claims to have gone for removing encroachment was settled in favour of the relative of the petitioners by the government. It is next submitted that the authority in a mindless manner approached the place of occurrence even without holding an inquiry that as to whether the land in question was settled in favour of petitioners and their relatives or not. It is further submitted that as far as allegation of assault and damage of the vehicle is concerned, the same is general and omnibus in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned



counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory 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 court below where the case is pending/successor court in connection with Parbatta P.S. Case No. 465 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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