

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13445 of 2022

Arising Out of PS. Case No.-39 Year-2017 Thana- VIJAYEPUR District- Gopalganj

-
1. RAM SAGAR SAH SON OF GOPAL SAH R/O VILLAGE-MAJHWALIYA, P.S.- VIJAYIPUR, DISTRICT- GOPALGANJ
 2. ASHOK SAH @ ASHOK JAISWAL SON OF RAMA SAH @ RAMASHANKAR SAH R/O VILLAGE - MAJHWALIYA, P.S.- VIJAYIPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vikash Kumar Shukla, Advocate

For the Opposite Party/s : Mr. Ram Naresh Ray, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 16-09-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through the virtual Court proceedings.

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 188 and
353/34 of the Indian Penal Code.

Learned counsel for the petitioners submits that
petitioner no. 1 is a person with clean antecedent and petitioner
no. 2 has antecedent of one case.

The informant alleges that according to an application
from some villagers and report from the Land Reforms Officer
an illegal construction was taking place at Plot No. 170 for



which a notice had been served to stop the construction which was not accepted by the accused persons. It is further alleged that the accused persons were claiming the land to be a Bhudan Land which was settled in their favour but had not provided any proof for the same. It is further alleged that on 05.03.2017 Anchal Amin was not present, hence, personal measurement was done and it was found that illegal construction has taken place on Plot No. 377.

Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case and if the land was a government land on which construction was made then the informant had remedy available in law under the Encroachment Act for which the present criminal case is an abuse of the process of the Court.

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.5,000/- (Rupees Five 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 Vijayipur P.S. Case No. 39 of 2017, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Kundan/-

U		T	
---	--	---	--

