

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24914 of 2022

Arising Out of PS. Case No.-144 Year-2021 Thana- JAGDISHPUR District- Bhojpur

1. SHEOJI RAM SON OF JAMURAJ RAM R/O- WARD NO.-5, NAGAR PANCHAYAT JAGDISHPUR, KHAPTAHA, P.S.- JAGDISHPUR, DISTRICT- BHOJPUR
2. KAMESHWR RAM SON OF BABAN RAM R/O- WARD NO.-5, NAGAR PANCHAYAT JAGDISHPUR, KHAPTAHA, P.S.- JAGDISHPUR, DISTRICT- BHOJPUR
3. PURNVASI RAM SON OF BABAN RAM R/O- WARD NO.-5, NAGAR PANCHAYAT JAGDISHPUR, KHAPTAHA, P.S.- JAGDISHPUR, DISTRICT- BHOJPUR
4. URMILA DEVI WIFE OF KAMESHWAR RAM R/O- WARD NO.-5, NAGAR PANCHAYAT JAGDISHPUR, KHAPTAHA, P.S.- JAGDISHPUR, DISTRICT- BHOJPUR
5. MUNI DEVI WIFE OF PURNVASI RAM R/O- WARD NO.-5, NAGAR PANCHAYAT JAGDISHPUR, KHAPTAHA, P.S.- JAGDISHPUR, DISTRICT- BHOJPUR
6. BIMLA DEVI WIFE OF LAL BAHADUR RAM R/O- WARD NO.-5, NAGAR PANCHAYAT JAGDISHPUR, KHAPTAHA, P.S.- JAGDISHPUR, DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 12-09-2022

Heard learned counsel for the parties.

The petitioners apprehend their arrest in a case registered for the offence under Sections 147, 149, 353, 504 and 506 of the Indian Penal Code.

As per the prosecution case, these petitioners had encroached upon the land of the State Govt., having plot no. 2394 under Khata No. 795 area 0.0155 Hectare of Maza Khaprah, in spite of the fact that they have their *pucca* houses



for the encroachment a case, having number 04 of 2019-20 was lodged on 25.02.2021. The encroachment at the public land was made clear under due notice to the accused petitioners, in course of clearing the encroachment, the accused petitioners created hindrance in the execution of official duty of the officers. It is further alleged that after removal of the encroachment, the petitioners and others have once again encroached the government land.

It is submitted on behalf of petitioners that the land in question falls under Jagdishpur Nagar Panchayat, of which, ancestors of the petitioners from last five generation constructed house and living there. It is further submitted that when the government authorities started action against petitioners and other co-accused, the petitioner no. 1 to 3 had filed a title suit, vide Title Suit No. 73 of 2021 in the court of learned Munsif, Jagdishpur (Ara), in which, informant and other authorities were made party, as defendants. Petitioners are also paying holding tax till date. The alleged date of occurrence is 25.02.2021, but F.I.R. has been lodged on 10.04.2021 i.e. after lapse of two months and there is no plausible explanation of delay.

However, learned A.P.P. for the State opposed the bail petition and submitted that there is specific allegation against



these petitioners of encroaching the government land and they also created hindrance in execution of removal of encroachment and thereafter, again re-encroached the land of government.

Considering the aforesaid facts and circumstances as well as nature of allegation, I am not inclined to extend the privilege of anticipatory bail to the petitioner and same is, accordingly, rejected.

(Prabhat Kumar Singh, J)

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