

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.6201 of 2023**

Arising Out of PS. Case No.-166 Year-2022 Thana- SAHARGHAT District- Madhubani

1. RAJ KUMAR GAMI @ RAJKUMAR GAMI S/o Late Ram Sakal Gami @ Ramsakal Gami R/o Village- Saharghat, P.S.- Saharghat, Distt- Madhubani.
2. Pintoo Gami @ Pintu Gami @ Pintoo Kumar Gami @ Pintu Kumar Gami @ Pinto Gami S/o Sri Raj Kumar Gami @ Rajkumar Gami R/o Village- Saharghat, P.S.- Saharghat, Distt- Madhubani.
3. Ranjeet Gami @ Ranjeet Kumar Gami S/o Sri Raj Kumar Gami @ Rajkumar Gami R/o Village- Saharghat, P.S.- Saharghat, Distt- Madhubani.
4. Rishi Gami @ Rishi Prasad S/o Sri Gopal Prasad R/o Village- Saharghat, P.S.- Saharghat, Distt- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Manish Kumar No 13, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      22-05-2023                      Heard the learned counsel for the petitioners and  
  
the learned A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Saharghat PS case no. 166 of 2022, registered for the offences punishable under Sections 307, 387 and other allied sections of the Indian Penal Code.

The case of the prosecution, in brief, is that on 30.08.2022, the accused persons including the petitioners herein, variously armed, were making asbestos house in the land of the informant and when he protested, he was assaulted, however the police had arrived there and stopped the



construction work. It is also alleged that again, on 01.09.2022, the accused persons had pressurized the informant to sign on a blank paper and had taken out a sum of Rs. 35,000/- from his pocket.

The learned counsel for the petitioners submits that petitioners are innocent, they have been falsely implicated in the present case and are having a clean antecedent. The learned counsel for the petitioners has further submitted that a general and omnibus allegation has been levelled against the petitioners and the fact is that there is no proof of the fact that the informant had ever sustained injuries. It is also submitted that the land dispute in question is outrightly a civil dispute, hence, no criminal offence is made out. Lastly, it is submitted that the land of the informant was acquired by the State Government for construction of NH no. 104 and the adjacent land is the land of the petitioners, on which, construction was being made, hence the petitioners are not having any complicity in the matter.

*Per contra*, the learned APP for the State as also the learned counsel for the informant have vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the



case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that a general and omnibus allegation has been levelled against the petitioners and the informant does not appear to have been injured in the said incident apart from the fact that dispute in question is in the nature of civil dispute, I deem it fit and appropriate to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the abovenamed petitioners, in the event of their arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, are directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate 1<sup>st</sup>, Benipatti, Madhubani in connection with Saharghat PS case no. 166 of 2022, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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