

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18918 of 2023

Arising Out of PS. Case No.-415 Year-2022 Thana- KONCH District- Gaya

1. Mithlesh Yadav Son of Ramsarup Yadav @ Ramswarup Yadav Resident of Village - Koriauna Tola, Vijaypur, P.S. - Konch, Distt. - Gaya
2. Kamlesh Yadav @ Kamlesh Kumar Pankaj Son of Gaya Yadav Resident of Village - Koriauna Tola, Vijaypur, P.S. - Konch, Distt. - Gaya
3. Balkeshar Noniya @ Balkeshwar Chauhan Son of Chalitar Noniya @ Chalitar Chauhan Resident Of Village - Koriauna Tola, Vijaypur, P.S. - Konch, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 15-06-2023 Heard Ms. Manisha Prakash, learned counsel appearing on behalf of the petitioners and Mr. Tapeswar Sharma, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Konch P.S. Case No. 415 of 2022 registered under Sections 147, 153(A), 295/120B and 427 of the Indian Penal Code.

3. The prosecution story, in brief, is that the accused persons including the petitioners allegedly built Govardhan in the middle of Kabristan which created tension between two groups of villagers.

4. Learned counsel appearing on behalf of the petitioners submits that the Govardhan which has been alleged



to be illegally built is not built in the Kabristan whereas the same has been built on a separate land appertaining to Plot No. 285 whereas opposite party has illegally started burying dead body on Plot No. 286. Both the plots have not been entered in revenue record as Kabristan. On these grounds, the petitioners above named seeks to be released on bail.

5. Learned APP appearing on behalf of the State opposed the prayer for grant of bail to the petitioners.

6. Having considered the submission made on behalf of the rival parties, the genesis of lodging of the F.I.R is that the parties are claiming right over a piece of land and according to the petitioners, the petitioners have built up Govardhan on exclusive land allotted for the Govardhan Sthal, whereas it is found that the Members of the Opposite Party having illegally started burying body on the adjoining plot No. 286 which as informed by the petitioner is entered in the revenue record as canal.

7. In above view of the matter, I am of the opinion that matter relates to civil dispute and the petitioners have, *prima facie*, made out a case to be released on anticipatory bail.

8. Court below is directed to release the petitioners, above named, on anticipatory bail, in the event of their arrest or



surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya in connection with Konch P.S. Case No. 415 of 2022, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

9. The bail application stands disposed of.

(Purnendu Singh, J)

Mantreshwar/-
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