

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33254 of 2023

Arising Out of PS. Case No.-804 Year-2022 Thana- DEHRI TOWN District- Rohtas

1. Ambika Singh @ Ambika Prasad Singh Son Of Late Mundar Singh R/O Bose Bagan, Lal Bangla, P.S.- Dehri-On-Sone, Dalmianagar, Rohtas, Bihar - 821305.
2. Abhay Singh @ Abhay Kumar Singh Son Of Ambika Prasad Singh @ Ambika Singh R/O 1006/1, Sector - 42 B, P.S.- Chandigarh Sector - 36, Chandigarh - 160036. Permanent Resident Of Bose Bagan, Lal Bangla, Dehri-On-Sone, Dalmianagar, Rohtas, Bihar, 821305.
3. Abhijeet Kumar @ Chandan Kumar Son Of Ashok Singh Yadav @ Ashok Singh Vill.- Rattu Bigha, Abhbaranpur, P.S.- Dalmianagar, Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Avanish Kumar Singh
For the Opposite Party/s : Mr. Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 06-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 153(A), 295, 379/34 of the Indian Penal Code.

3. As per the prosecution case, the informant alleged the accused petitioners along with other persons after demolishing the idol of Hanuman Ji fled away along with the idol of Hanuman ji after wrapping in clothes by Maruti Car, due to which the sentiment of Hindu religion is affected.



4. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. He submits that allegations made by the informant are nothing but false and manufactured to somehow implicate the petitioners in false criminal case. There is no temple in the land in question. With the sole purpose to grab the land of the petitioner no. 1, illegal sheds and platform with pictures of idols of deities were kept in the private land of the petitioner no. 1. He further submits that the learned Court below passed the decree in favour of the petitioners and directed the State Government to vacate the premises within a period of three months, but despite the Court's order to vacate the premises within three months, the State Government did not vacate the said premises. He also submits that on 15.10.2022, in presence of government officials the police force entered the land in question and removed the illegal structure/encroachments in the light of order dated 07.03.2022, passed in Execution Case No. 02/2015. Petitioner no. 1 has no criminal antecedent and petitioners no. 2 and 3 have no criminal antecedent as mentioned in para-3 of this application.



5. Learned APP for the State opposes prayer for anticipatory bail.

6. Having regard to the facts and circumstances of the case and the fact that there is no specific overt act against the petitioners, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Dehri Town P.S. Case No.804 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

anand/-

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