

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61245 of 2023

Arising Out of PS. Case No.-310 Year-2023 Thana- SIKARPUR District- West Champaran

1. Raghunath Raut Son Of Sughai Raut Resident Of Village- Maldahiya Pokhariya, Ps- Shikarpur, Distt- West Champaran
2. Gyanpati Devi Wife Of Raghunath Raut Resident Of Village- Maldahiya Pokhariya, Ps- Shikarpur, Distt- West Champaran
3. Basmati Devi Wife Of Late Butai Raut Resident Of Village- Maldahiya Pokhariya, Ps- Shikarpur, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 21-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners are apprehending their arrest in a case registered for the offences punishable under Section 353 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioners are said to have encroached Samudayik Bhawan. When the police administration reached there for removing the said encroachment, the family members of Ex-Ward member and 50 unknown persons obstructed them.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this



case. He further submits that there Samudayik Bhawan was never constructed in the ward no.14 about which there is a mention in the letter of Block Development Officer. He submits that earlier petitioner no.1 had sent legal notices to the local authorities and that retaliation they are taking undue action against the petitioners. He further submits that petitioners have got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail and submits that the order was passed by the concerned authorities to remove the encroachment. When the police reached there petitioners along with others stopped the police party to remove the encroachment. Hence, they do not deserve bail.

6. Considering the fact that the petitioner no.3 is a lady aged about 80 years, let the petitioner no.3, named above, in the event of her arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Shikarpur



P.S. Case No. 310 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

7. Insofar as petitioner nos.1 and 2 are concerned, I am not inclined to enlarge the petitioner nos.1 & 2 on bail in connection with Shikarpur P.S. Case No. 310 of 2023. Accordingly, their prayer for anticipatory bail is hereby rejected.

8. Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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