

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66720 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

1. Arjun Sada Son of Late Dhanik Sada Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
2. Gyanchand Sada @ Gyanchandra Sada Son of Late Kusheshwar Sada Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
3. Manohar Sada Son of Harischandra Sada @ Ramchandr Sada Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
4. Bhagwan Sada @ Bhagbanlal Sada Son of Late Lada Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
5. Moti Sharma Son of Late Ramji Sharma @ Late Rajendra Saharma @ Rajendra Sharma Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
6. Pradeep Safi Son of Ram Bilas Safi Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
7. Panchu Sada Son of Late Chhappar Sada @ Ghapar Sada Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.
8. Lambodar Sada @ Lalmanohar Sada Son of Late Dhanik Sada Resident of village - Kewatgawan, Police Station - Kusheshwar Asthan, District - Darbhanga.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 29-04-2023 Heard learned counsel for the petitioner nos. 3, 5 and
6 and Mr. Akhileshwar Dayal, learned APP for the State.

Petitioner nos. 3, 5 and 6 in the present case are seeking pre-arrest bail in connection with Kusheshwar Asthan P.S. Case No. 216 of 2022 vide G.R. No. 420 of 2022 registered on 12.06.2022 for the offences under Sections 147, 148, 149,



188, 109, 353, 384, 504, 506, 120(B) of the Indian Penal Code.

The petitioner nos. 3, 5 and 6 have no criminal antecedent.

As per the prosecution story, on the written information of one Praveen Kumar Singh in respect of apprehension of encroachment over his personal land by Mahadalits, a police officer was conducting the inquiry and in the meantime, on 12.06.2022 a Chowkidar deputed at the disputed land informed about ongoing construction of thatched houses by Mahadalits over the disputed land on which informant, police officer along with other police personnel reached there and witnessed 50-60 thatched houses got constructed by FIR named 34 accused persons along with 50-60 unknown persons including these petitioners and on being objected they refused to budge and also failed to give any valid papers in respect of that land.

Learned counsel for the petitioner nos. 3, 5 and 6 submits that they are not involved in encroachment over the said land. Learned counsel submits that the petitioner nos. 3, 5 and 6 are innocent and have falsely been implicated in the instant case.

Learned APP for the State is present and has opposed the prayer for anticipatory bail of the petitioner nos. 3, 5 and 6.



Having regard to the facts and circumstances of the case wherein it is submitted that the petitioner nos. 3, 5 and 6 on whose behalf this application is being pressed are not involved in encroachment over the government land or private land, despite opportunity given by this Court to the State to file counter affidavit and produce the case diary, neither the counter affidavit has been filed nor the case diary has been produced, in such circumstances, this Court directs that the petitioner nos. 3, 5 and 6 above-named in the event of their arrest or surrender within a period of four weeks from today shall be released on bail in connection with Kusheshwar Asthan P.S. Case No. 216 of 2022 on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Darbhanga, District- Darbhanga subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner nos. 3, 5 and 6 and in case at any stage it is found that the petitioner nos. 3, 5 and 6 have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner nos. 3, 5 and 6. However, the acceptance of bail bonds in terms of the



above-mentioned order shall not be delayed for purpose of or in
the name of verification.

The writ application is allowed.

(Rajeev Ranjan Prasad, J)

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