

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70610 of 2023

Arising Out of PS. Case No.-167 Year-2023 Thana- DHAMDAHA District- Purnia

Sahil Saurav @ Saurabh Sahil Son Of Late Brajkishore Yadav @ Buchchan
Yadav Resident Of Village - Maujampatti, Police Station - Barhara Kothi,
District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rupesh Kumar, Adv.

For the Opposite Party/s : Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 09-11-2023 Heard Mr. Rupesh Kumar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Dhamdaha P.S. Case No. 167 of 2023 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 386, 504, 506 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case is based on the written report of the informant alleging therein that on account of a land dispute, on 01.08.2023 at about 12:40 PM, all the FIR named accused persons including the petitioner and 25-30 unknown miscreants by forming an unlawful assembly variously armed came to the land of the informant and started fencing. However,



when the same was protested, all the accused persons assaulted him and made firing.

4. Learned counsel for the petitioner submits that from the materials available on record, admittedly the petitioner is one of the co-sharers of the informant and there is a counter version of the present crime being Dhamdaha P.S. Case No. 168 of 2023 registered by the persons of the petitioner's side. He further submits that there was Title Suit No. 50 of 1994, which was decreed in favour of the persons of petitioner. However, a Misc. Case is filed to reopen the Title Suit afresh. In the meantime, petitioner side filed Title Execution Case No. 04 of 2009 and the learned Sub Judge directed to the office for proceeding of the execution case and summoned the informant's side. He next submits that the only allegation against the petitioner is that he was standing with his license gun along with his bodyguards, but subsequently omnibus allegation of firing is levelled against all, but not a single cartridge has been recovered from the place of occurrence. The seizure list only reflects that one tractor has been recovered but the same does not belong to the petitioner nor in the name of any of his family member. He next submits that as the petitioner is a social worker and his wife is the present Pramukh of Gauripur Panchayat and his mother is



the present Mukhiya of the said village, thus on account of all these facts, one Akhilesh Yadav, who is also a candidate of Mukhiya has instituted altogether nine cases against the petitioner, and as such, the petitioner is having antecedent of ten criminal cases. He made a reliance upon a judgment of the Hon'ble Supreme Court in the case of **Prabhakar Tiwari vs. State of Uttar Pradesh and Ors. (C.R.L. 9207/2019)** and taking shelter of the aforesaid judgment, he submits that the criminal history is not the factor of refusal of bail. While summing up, he next submits that other co-accused persons having more or less identical allegation, have been allowed the privilege of anticipatory bail by a co-ordinate Bench of this Court in Cr. Misc. No. 70927 of 2023 vide order dated 07.11.2023.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is a muscle man of his locality and by taking the advantage of his dominance, created a terror in order to grab the land. That apart, he is carrying ten criminal cases over his head. Thus, he does not deserve to be enlarged on anticipatory bail.

6. Regard being had to the submissions made on behalf of the parties and considering the admitted land dispute



and the counter version of the present case, apart from the fact that the other co-accused persons having identical allegation have been allowed the privilege of anticipatory bail and the parity also demands the similar treatment and moreover criminal antecedent of a person cannot be the sole ground to reject the bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Dhamdaha P.S. Case No. 167 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C, with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

rohit/-

U		T	
---	--	---	--

