

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9318 of 2024

Arising Out of PS. Case No.-589 Year-2023 Thana- MUFFASIL District- West Champaran

1. Raj Kumar Choudhary S/O- Late Chandradeep Choudhary R/O- Mohalla- Bel Bagh, Ward No.- 22 Near Forest Office, P.S.- Bettiah, Mufassil, Dist.- West Champaran At Bettiah.
2. Rajeev Choudhary @ Bablu @ Rajeev Kumar Choudhary S/O- Raj Kumar Choudhary R/O- Mohalla- Bel Bagh, Ward No.- 22 Near Forest Office, P.S.- Bettiah, Mufassil, Dist.- West Champaran At Bettiah.
3. Pinku Choudhary @ Himanshu Kumar S/O- Raj Kumar Choudhary R/O- Mohalla- Bel Bagh, Ward No.- 22 Near Forest Office, P.S.- Bettiah, Mufassil, Dist.- West Champaran At Bettiah.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate
For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Bettiah Mufassil P.S. Case No. 589 of 2023 dated 07.09.2023 instituted for the offence punishable under Sections 341, 323, 353, 427, 504, 506/34 of the Indian Penal Code.

3. Allegation against the petitioner is that they have encroached the government land. When the informant along with his team went there to remove the said land from their occupation, the petitioners along with other 20-25 persons abused them, and as a result, scuffle took place between them. It is alleged that the



petitioners have created hindrance in official duty and also they threatened the informant.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that there is no specific allegation against the petitioners. The petitioner no. 1 is the father of petitioner nos. 2 and 3. Learned counsel for the petitioners submits that the alleged occurrence took place on 03.09.2023, but the F.I.R. was lodged on 07.09.2023 after four days without any plausible explanation. It is also submitted that the petitioners are the settlee of the Bettiah Raj since last 55 years. The wife of the petitioner no. 2 submitted an application before the District Magistrate, Bettiah on 05.09.2023 about the action taken by the forest department. On the direction of the forest department, removal of the encroachment has been taken. It is also submitted that the District Magistrate, West Champaran at Bettiah vide memo no. 3086 dated 13.09.2023 sent the matter to the Bettiah Raj. Thereafter, Manager of the Bettiah Raj issued a letter on 16.09.2023 to Forest Range Officer, Bettiah and warned him to not encroach the premises of Bettiah Raj and to pay the rent pending against them. Learned counsel for the petitioner further submits that petitioner no. 2 has filed a complaint case bearing Complaint Case No. 2302 of 2023 against the informant and others (forest department) for



the offence punishable under Section 379, 380 and other section of the Indian Penal Code on 14.09.2023. Learned counsel for the petitioner further submits that the informant has not specified the obstruction/nature of obstruction created by the petitioners and others in performing their official duty, as alleged in the F.I.R. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Bettiah Mufassil P.S. Case No. 589 of 2023, they shall be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, West Champaran at Bettiah subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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