

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39936 of 2024

Arising Out of PS. Case No.-68 Year-2021 Thana- MANIYARI District- Muzaffarpur

1. Rakesh Pandit, aged about 36 years, male, Son of Rambriksha Pandit
 2. Ram Krishna Pandit @ Kishan Pandit, aged about 38 years, Male, Son of Late Dasai Pandit
 3. Manoj Pandit, aged about 44 years, Male, Son of Late Dasai Pandit
 4. Ram Ishgwar Pandit @ Ram Ishwar Pandit @ Rameshar Pandit, aged about 50 Years, Son of Laldev Pandit
- All are residents of village - Mohamadpur Mobarak, P.S. - Maniyari, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Archana Sinha, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 03-07-2024 Heard Ms. Archana Sinha, learned counsel appearing on behalf of the petitioners and Mr. Shantanu Kumar, learned APP for the State.

2. The petitioners seek pre-arrest bail in connection with Maniyari P.S. Case No. 68 of 2021 registered for the offence(s) punishable under Sections 341, 323, 307, 379, 504 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the petitioners with a common intention has assaulted the informant and his brothers. Specific allegation is against petitioner no.2,



namely, Ram Krishna Pandit @ Kishan Pandit, who had assaulted by iron rod on the head of the informant, who had encroached the government land relating to Khesra Nos.582, 601 appertaining to Khata No.149 and Khesra No.602, which is a public road.

4. Learned counsel appearing on behalf of the petitioners submitted that a complaint was made before the Circle Officer, Kurhani, Muzaffarpur for removal of encroachment from the public road encroached by the informant in the year 2016 and no action having been taken and the encroachment caused much inconvenience to the common public including the petitioners, petitioners requested the informant to remove the encroachment, which was resisted and as a result of the same, they entered into fierce fight and in the said course, the petitioners may have caused some injury on the persons of the informant and his brothers. It is further submitted that there is general and omnibus allegation against petitioners no.1, 3 and 4, however, it has been alleged against petitioner no.2 that he has assaulted the informant on his head by means of rod, causing head injury. As per the opinion of the doctor, the said injury is simple in nature. It is lastly submitted that petitioners have clean antecedents and on these grounds,



petitioners seek to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail and he has submitted that instead of resorting to remedy provided under the Bihar Public Land Encroachment Act, the petitioners assaulted the informant who, according to the petitioners, have encroached the public land, as described in Annexure P/2.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that it is admitted that the informant has encroached the public road, as described in Annexure P/2 and a petition was given by the villagers to the Circle Officer, Kurhani, Muzaffarpur on 24.08.2016 for its removal but no action having been taken by the Circle Officer in respect of removal of the encroachment, the common people faced much inconvenience and as a result of which, when the petitioners had requested the informant to remove the encroachment, they entered into fierce fight and in the same course, the petitioners may have caused some injury on the person of the informant and his brothers and also the fact that the injury sustained by the informant, as per the opinion of the doctor, is simple in nature, I am of the opinion that petitioners have, prima facie, made out a case to be released on pre-arrest



bail.

7. The petitioners, above named, are directed to be released on pre-arrest bail, in the event of their arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class (West) Muzaffarpur in connection with Maniyari P.S. Case No. 68 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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