

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49208 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- CHAKAND District- Gaya

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1. Md Shakil @ Laddu, S/O Late Munis @ Munish R/O Village- Shadipur Tola, Mahmudabad Ps. Chakand, Dist. Gaya
 2. Md. Jamil @ Jalil, S/O Late Munis @ Munish R/O Village- Shadipur Tola, Mahmudabad Ps. Chakand, Dist. Gaya

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey

For the Opposite Party/s : Ms.Rita Verma

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 05-03-2024 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 188, 353, 384, 385, 386 and 34 of the Indian Penal Code.

3. The learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and have been falsely implicated in the present case by the informant. It is next submitted that the informant, who is a Revenue Clerk, alleges that on 10.02.2023, he got information with respect to encroachment of a government land. Accordingly, it s alleged



that earlier notice of encroachment to the encroachers was also sent and the same was served on them in 2022. It is next alleged that when on 10.02.2023, the petitioners, on direction of the informant, went to the place of occurrence, they saw that the accused persons including petitioners were carrying on with construction work and thus, alleges that the petitioners intent to grab the government land.

4. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that the F.I.R. has been instituted only with a view to coerce the petitioners into submission. It is further submitted that even presuming what has been alleged is true without admitting and if the land is a government land and the same has been encroached, in that event, the authorities are not powerless to remove the encroachment, but then, instituting a criminal case amply demonstrates that the prosecution is malicious.

5. Learned A.P.P. opposes the bail application.

6. Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs.5,000/- (Rupees Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned JMFC, Gaya in connection with Chakand P. S. Case No.44 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Satyavrat Verma, J)

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