

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57962 of 2024

Arising Out of PS. Case No.-54 Year-2024 Thana- DIGHALBANK District- Kishanganj

- 1. Bhajan Lal Ganesh, Son of Moti Lal Ganesh R/V- Kast Tulsia, Ward No. 05, P.S.- Dighalbank, Distt.- Kishanganj
- 2. Vikash Kumar Ganesh @ Vikash Kumar, Son of Jai Narayan Ganesh R/V- Kast Tulsia, Ward No. 05, P.S.- Dighalbank, Distt.- Kishanganj
- 3. Ravindra Kumar Ganesh, Son of Late Satan Lal Ganesh R/V- Kast Tulsia, Ward No. 05, P.S.- Dighalbank, Distt.- Kishanganj
- 4. Jai Narayan Ganesh, Son of Moti Lal Ganesh R/V- Kast Tulsia, Ward No. 05, P.S.- Dighalbank, Distt.- Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate
For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 11-09-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Dighalbank P.S. Case No. 54 of 2024 instituted under Sections 147, 148, 149, 341, 323, 324, 307, 354, 354-B, 325, 504, 379, 506 and 509 of the Indian Penal Code.

3. As per the prosecution case, when the informant along with her husband and son were constructing a temporary dwelling house with mud and twigs then the petitioners along with other accused persons armed with iron rods and *bamboo*



stick came there and threatened them to stop the construction as they asserted their absolute ownership of the said land under Section 48D of the Bihar Tenancy Act. It is further alleged that when the informant tried to convince them, all the accused persons including the petitioners assaulted the informant and her husband and son with iron rod and *bamboo* stick.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. He further submits that the injuries are simple in nature. There was land dispute going on between the both parties due to which free fight occurred between them. Learned counsel further submits that the informant's family were unable to accept the awarded ownership of the land to the petitioner and despite this clear legal decision, they were forcibly constructing / occupying on the alleged property. He further submits that petitioners have no criminal antecedent and they undertake to co-operate in the investigation and the trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks



from today, the petitioners be released on bail upon furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount to each to the satisfaction of the learned A.C.J.M.-1st, Kishanganj / Concerned Trial Court in connection with Dighalbank P.S. Case No. 54 of 2024, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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