

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61149 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- MOHAMMADPUR District- Gopalganj

1. Kali Charan Prasad @ Sri Kali Charan Prasad S/o Late Sukhal Prasad Resident of Village Tek Niwas Mohammadpur P.S.- Mohammadpur, Dist- Gopalganj, Bihar Pin Code 841423
2. Dharamnath Prasad @ Sri Dharm Nath Prasad S/o Late Haricharan Prasad @ Haricharan Mahto Resident of Village Tek Niwas Mohammadpur P.S.- Mohammadpur, Dist- Gopalganj, Bihar Pin Code 841423

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Roy, Advocate
For the Opposite Party/s : Ms. Renu Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 17-12-2024 Heard learned Counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Mohammadpur P.S. Case No. 04 of 2024 dated 06.01.2024,
instituted for the offence punishable under Sections 420, 406
and 34 of the Indian Penal Code.

3. The allegation against the petitioners is that they
encroached the land of Zila Parishad and on that basis, the
present F.I.R. has been lodged.

4. Learned counsel for the petitioners submitted that
the encroachment proceeding has been initiated against the
petitioners and others and behind the back, the encroachment



order was passed by the Circle Officer, Sindhwalia, Gopalganj on 25.01.2024 against which the petitioner no. 1, Kali Charan Prasad has filed C.W.J.C. No. 6783 of 2024. In the aforesaid writ application, the liberty was granted to the petitioner for filing appropriate appeal under Section 11 of the Bihar Public Land Encroachment Act, 1956. Learned Counsel for the petitioners submitted that petitioners have constructed building over Plot No. 1192 which belongs to them and entire construction has been demolished by Circle Officer on the pretext of encroachment proceeding. The Zila Parishad land is Plot No. 1191 and the petitioners have no concerned with the said land. It is submitted that the petitioners have clean antecedent.

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 petitioner within a period of six weeks from today, in connection with Mohammadpur P.S. Case No. 04 of 2024, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the



learned A.C.J.M.-VI, Gopalganj, subject to condition as laid
down under Section 438(2) of the Cr.P.C..

(Khatim Reza, J)

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