

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74262 of 2024

Arising Out of PS. Case No.-123 Year-2023 Thana- KOCHAS District- Rohtas

1. Etavariya Kunwar @ Akadshi Devi W/o Late Sheo Bachan Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
2. Bindyadhali Devi @ Bindhyachali Devi W/o Ram Bilash Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
3. Dharmshila Devi W/o Umashankar Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
4. Uma Shankar Singh S/o Late Kishun Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
5. Ram Bharat Singh S/o Late Deo Narayan Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
6. Ram Awadhesh Singh S/o Late Late Gopali Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
7. Ram Bilash Singh S/o Late Lal Muni Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
8. Jitendra Singh S/o Late Sheo Bachan Singh @ Shiv Bachan Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas
9. Ram Pravesh Singh S/o Late Harishankar Singh Resident of village- Anhari Tola Tiwaripur, PS- Kochas, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Nagendra Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-10-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. Learned counsel for the petitioners seeks permission
to withdraw this application in respect of petitioner no.2,
submitting that during pendency of this application petitioner



no.2 died on 25.10.2024.

3. Permission is granted.

4. Accordingly, this application is dismissed as withdrawn in respect of petitioner no.2 only.

5. Now this application survives for rest of the petitioners.

6. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 143, 379 of the Indian Penal Code.

7. Allegedly, all the FIR named accused persons including the petitioners, who are illegal red card holders, harvested the entire Rabi crop grown on the land in question illegally at the night of 09.04.2023.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. There is an admitted land dispute between the parties for which S.A. No. 396 of 2017 is pending before this Court. It is further submitted that final decree bearing final decree no. 1/2017 has been decided in



favour of the petitioners. Learned counsel further submits that there is civil dispute between the parties. Nothing specific has been attributed against the petitioners. Petitioner nos.1&3 have no criminal antecedent, whereas petitioner nos. 4 to 9 have three criminal antecedents, as mentioned in para 3 of the bail application.

9. Learned APP for the State opposes the prayer for bail.

10. Having regard to the facts and circumstances of the case, since there is civil dispute between the parties, let the above named petitioner nos. 1 & 3 to 9, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Kochas P.S. Case No. 123 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

11. Accordingly, the application stands partly allowed.

(Anjani Kumar Sharan, J)

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