

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8016 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- NATIONAL HIGHWAY District-
Samastipur

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Sitaram Das S/O Late Jageshwar Das @ Jegesh Das R/O Village - Gauspar
Sarsauna, Ps- Tajpur District -samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 20-02-2024 Heard learned counsel for the petitioner and learned

APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 147, 148, 149, 341, 342, 323, 324, 325, 354, 427, 307, 333, 353, 114, 188 and 504 of the Indian Penal Code.

3. It is a case of creating hindrance in discharging the official duty of the police personnel. Prosecution case in nutshell is that informant, being the Circle Officer, Tajpur has alleged that in compliance of the order passed in CWJC No. 6107 of 2017, they were engaged in removal of the encroachment, from the encroachers named in the FIR, along with other police personnel. During this course, the



named accused persons including the petitioner and others began to create hindrance in removal of the encroachment and thereafter, they even resorted to stone pelting and assaulted by the sticks etc and during this course, some police personnel allegedly sustained injuries and somehow, they are able to remove the encroachment and from the local Chowkidaar and CCTV footage, the other persons were also recognized including this petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. There is no specific allegation against the petitioner rather general and omnibus allegations have been attributed against all the accused persons. Petitioner is not encroacher as it is evident from the allegations narrated in the F.I.R. Nothing consistent material has come against the petitioner. At best, it can be said that petitioner is non assailant rather he is a member of mob. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 06.11.2023.



5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with N.H. Bangra P.S. Case No. 109 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Samastipur.

(Sunil Kumar Panwar, J)

Nirajkrs/-

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