

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84360 of 2024

Arising Out of PS. Case No.-381 Year-2023 Thana- BODHGAYA District- Gaya

- 1. Krishna Yadav @ Sadhu Ji @ Krishna Prasad @ Krishana Yadav Son of Late Chamari Yadav
- 2. Lakhan Yadav @ Ram Lakhan Kumar @ Lakhan Kumar @ Ramlakhan Prasad Son of Krishna Yadav @ Sadhu Ji @ Krishna Prasad @ Krishana Yadav Resident of Village- Pachatti, P.S.- Bodh Gaya, Distt.- Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mahanth Triveni Giri Resident of Bodhgaya Math, P.S Bodhgaya District Gaya

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 11307 of 2025

Arising Out of PS. Case No.-381 Year-2023 Thana- BODHGAYA District- Gaya

- 1. Virendra Prasad @ Surendra Prasad Son of Kamta Mahto R/o village- Bataspur, ps- Bodh Gaya, Dist- Gaya
- 2. Shankar Kumar @ Shibu Prasad son of Late Bodhi Mahto @ Late Baudhu Mahto R/o village- Barkail, Ps- Fatehpur, Dist- Gaya

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Mahant Triveni Giri Son of not known R/v Bodhgaya Math, P.S. Bodhgaya, Dist. Gaya

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 84360 of 2024)
For the Petitioner/s : Mr.Aryan Singh, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP
(In CRIMINAL MISCELLANEOUS No. 11307 of 2025)
For the Petitioner/s : Mr.Arvind Kumar Singh, Advocate
For the Opposite Party/s : Mr.Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-07-2025 Heard Mr.Aryan Singh, learned counsel for the



petitioners, Mr.Bhanu Pratap Singh, learned Additional Public Prosecutor for the State (Cr.Misc.No.84360/2024) and Mr.Arvind Kumar Singh, learned counsel for the petitioners and Mr.Dinesh Singh, learned Additional Public Prosecutor for the State (Cr.Misc.No.11307/2025).

2. The petitioners are apprehending their arrest in connection with Bodh Gaya P.S. Case No.381 of 2023,FIR dated 30.04.2023 registered for the offences punishable under Sections 188,447,427,420,506 and 34 of IPC.

3. Allegation against the petitioners are of illegally encroaching/occupying the land of Math of Body Gaya and also of constructing the building over the land.

4. Learned counsel for the petitioners submits that petitioners, namely, Krishna Yadav @ Sadhu Ji @ Krishna Prasad @ Krishna Yadav, Lakhan Yadav @ Ram Lakhan Kumar @ Lakhan Kumar @ Ramlakhan Prasad and Virendra Prasad @ Surendra Prasad have clean antecedent and petitioner namely, Shankar Kumar @ Shibu Prasad carries one more case other than the present one and he is on bail in the pending matter. Learned counsel for the petitioners submits that the allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence



as alleged in the FIR. As per allegation in the FIR which was filed by Mahanth of Bodh Gaya Math alleging therein that the petitioners have encroached the land of Body Gaya Math and the same is institution registered under the Bihar Religious Trust Board bearing Registration No.934. Learned counsel for the petitioners submits that the Chairman of the Math in question is the District Magistrate and he has the power under the Act to remove the encroachment which was occupied by any person in the entire district and the present FIR has been instituted only to harass the petitioners. In fact the petitioners have objected to some affairs of the Math so petitioners have falsely been implicated in the present case.

5. Learned counsel for opposite party No.2 has filed a counter affidavit stating therein that the petitioners have encroached the land in question it is very unfortunate for sorry affairs of the State of Bihar that the District Magistrate has authorized the Circle Office to file an affidavit and the District Magistrate has stated in the counter affidavit that some persons have encroached the land in question including the petitioners but they are not in a position to remove the encroachment over the land in question.

6. Considering the aforesaid facts, let the



petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodh Gaya P.S. Case No.381 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of BNSS, 2023 and with other following conditions:-

(I) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

(II) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have



concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

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