

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19962 of 2025

Arising Out of PS. Case No.-860 Year-2023 Thana- SASARAM NAGAR District- Rohtas

1. Ramzani Ghosi @ Shamshad Alam @ Md. Ramzani Gaddi S/o Late Hayatu Ghosi @ Late Hiyatu Gaddi @ Md. Heyatu
2. Shamshad Ghosi @ Md. Shamshad Alam S/o Ramzani Ghosi @ Shamshad Alam @ Md. Ramzani Gaddi
Both are R/o Mohalla - Rameshwarganj Chalaniya, PS- Sasaram, Town, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-05-2025 Heard Mr.Ashwani Kumar Tiwary, learned counsel
for the petitioners, learned counsel for the informant and
Mr.Ganesh Prasad Singh, learned Additional Public Prosecutor
for the State.

2. The petitioners are apprehending their arrest in
connection with Sasaram Town P.S.Case No.860/2023, FIR
dated 16.09.2023 registered for the offences punishable under
Sections 341,323,325,354,504/34 of IPC.

3. Case of the prosecution, in brief is that 16.09.2023
the husband of the informant is an old man and suffering from
several disease and he never moved outside the house. It is
further alleged that 10.09.2023, the petitioners kicked out the



khunta from the land in question for take possession on the land, in the meantime, the informant along with her daughter went at the land, but the petitioner started assaulting her and her daughter. It has been also alleged that accused petitioners have committed breach of modesty of the informant's daughter.

4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioners have not committed any offence as alleged in the FIR. In fact due to admitted land dispute the present occurrence had taken place. Learned counsel for the petitioners submits that one Title Suit No.390/1999 was pending before the learned Sessions Judge, Sasaram and after some time, the aforesaid Title Suit was compromised between the parties and 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 compromise, the petitioners have got the land in question. Learned counsel for the petitioners fairly submits that the petitioners were granted benefit of Section 41(A) of Cr.P.C. by the police but the learned court below has taken cognizance against the petitioners and other co-accused persons vide order



dated 19.09.2024.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, petitioners have clean antecedent and due to admitted land dispute, the present occurrence had taken place, 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 Judicial Magistrate, Sasaram in connection with Sasaram Town P.S. Case No.860/2023, 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 bonds 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 antecedents, 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)

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