

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30915 of 2025

Arising Out of PS. Case No.-429 Year-2024 Thana- BAISI District- Purnia

Kalwa @ Jahangir, Son of Hasib, Resident of Village- Bagdov, P.S.- Baisi,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nadimul Hasan, Advocate

For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 13-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Baisi P.S. Case No. 429 of 2024 registered for the offences punishable under Sections 191(2), 193(3), 190, 127(1), 326 (F), 326(G), 324(4), 324(5), 125(a), 125(b), 351 and 352 of the Bharatiya Nyaya Sanhita, 2023.

3. Allegedly on the fateful day, while the officials of the Sub-Divisional Office along with police personnel came to execute *Dakhil Dihani* on the questioned land and as soon as the Circle Officer ordered for vacating the land, the petitioner along with family members and others armed with weapon obstructed the street and started throwing bricks and stones. It is further alleged that the accused persons also set on fire the paddy straw and gutted goods worth Rs.3,00,000/- of the shop



of the informant's brother.

4. Learned Advocate for the petitioner contended that there is a long standing dispute, which has been running with the informant and the petitioner, the entire description of which has been duly mentioned in para.7 of the application. Taking this Court through the F.I.R. it is specifically contended that omnibus nature of allegation has been levelled against all the accused persons, including the petitioner. However, the learned court below while hearing the anticipatory bail application, extended the privilege of anticipatory bail to others, but has turned down the prayer for bail of the petitioner by treating the allegation specifically levelled against him, which is factually incorrect. It is further submitted that only in order to put pressure upon the petitioner, who is bona fide pursuing the litigation; and to vacate the land, in question, the present F.I.R. came to be instituted. So far the land, in question, is concerned, the same has been coming in possession of the petitioner and the matter is still subjudice before the Bihar Land Tribunal.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that besides the present case, the petitioner is carrying two criminal antecedent over his head and he has actively participated in the



crime and caused obstruction in discharge of public duty as well as set the valuables on fire.

6. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the omnibus nature of allegation, coupled with the long standing dispute and the submissions aforementioned, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Purnea in connection with Baisi P.S. Case No. 429 of 2024, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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