

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28483 of 2025

Arising Out of PS. Case No.-92 Year-2025 Thana- BAHERA District- Darbhanga

Md. Sabir S/o Late Md. Sadique R/o Village- Karahri, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Singh
For the Opposite Party/s : Mr.Uday Chand Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-05-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 126(2), 115(2), 351(1), 352, 152, 121(1), 121(2), 223(A), 324(4) and 191(2) of the Bharatiya Nyaya Sanhita.

3. Learned counsel for the petitioner submits that person is a person with clean antecedent and the informant, (Circle Officer, Benipur) alleges that as per order passed in Title Suit No. 5 of 2008 (Ram Bilash Sahani (Decree Holder) V. Mangal Yadav & Ors.), the informant along with S.H.O. Bahera Police Station and Nazir of the Civil Court had gone to demarcate and take possession of the land on 10-3-2025, in terms of the judgment and decree passed in Title Suit No. 5 of



2008. It is further alleged that 80% of the huts and houses were vacated, further while preparing the inventory, the second party, Mangal Yadav and other along with owner of JCB, Md. Sabir (petitioner), in a planned manner, started pelting stones from roof of the house and road, on account of which some police officials got injured and officials were obstructed in complying the orders passed by the court.

4. The learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that it was Ram Bilash Sahani, who had called the petitioner along with his JCB in assisting the authority in removing the encroachment from the land which forms subject matter of Title Suit No. 5 of 2008. It is next submitted that even from perusal of the allegation as alleged in the FIR, it would manifest that the decree holder had made available the JCB, it is thus submitted that when the petitioner had gone to the place of occurrence from the side of the decree holder then why he would have indulged in the occurrence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bahera P.S. Case No. 92 of 2025, subject to the conditions as laid down under Section 482 (2) of the BNSS.

7. One of the bailors of the petitioner shall be Ram Bilash Sahani, i.e., Decree Holder of Title Suit No. 5 of 2008.

(Satyavrat Verma, J)

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