

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35969 of 2025

Arising Out of PS. Case No.-513 Year-2024 Thana- BODHGAYA District- Gaya

1. Dinesh Prasad @ Banarjee @ Banarjee Singh @ Dinesh Singh son of Late Bhagwan Prasad Village- Dahariya Bigha, Ps- Bodh Gaya, Dist- Gaya
2. Santu Kumar @ Santu singh @ Om Prakash Singh son of Dinesh Singh @ Dinesh Prasad @ Banarjee @ Banarjee Singh Village- Dahariya Bigha, Ps- Bodh Gaya, Dist- Gaya
3. Chandan Kumar @ Chandan Singh son of Ravindra Singh village- Rajapur, Ps- bodhgaya, Dist- Gaya
4. Pankaj Prajapat @ Pankaj Kumar son of Sidheshwar Prajapat Village- Pachhalti, Ps- Bodh Gaya, Dist- Gaya
5. Santosh Kumar @ Pinku singh son of Shatrughan Sharma village- Koeti, Ps- Makdumpur, Dist- Jehanabad
6. Sanni Kumar Verma son of Birendra Prasad village- Madhusudan colony, Road No. 2, Ghugharitand, Ps- Vishnupad, Dist- Gaya
7. Dinanath Singh Son of Shibu Singh village- Bahuar Chaura, Ps- Vishnupad, dist- Gaya
8. Bipin Kumar @ Bipin Kumar Yadav son of Birendra Yadav Village- sonu Bigha, Ps- Bodhgaya, Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Veer, Advocate
Mr. A.K. Sinha, Advocate
For the Opposite Party/s : Mr.Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The instant application for anticipatory bail has
been filed by the petitioners apprehending their arrest in
connection with Bodh Gaya P.S. Case no. 513 of 2024



instituted for the offence under Sections 126(2), 115(2), 352, 351(2) (3), 132, 232 (I) (ii) of the B.N.S.

3. The case of the prosecution is that despite the stay order of S.D.O., Sadar Gaya, the petitioners along with others are making construction on the disputed land.

4. Learned counsel for the petitioners have submitted that petitioners are innocent and have falsely been implicated in connection with the present case. It is further submitted that from perusal of the order of S.D.O., Sadar Gaya, it will transpire that the learned S.D.O. Sadar Gaya has held that the parties are at liberty to file their case before the competent Court and has also vacated the order under Section 163 of the BNSS. As the order under Section 163 of the BNSS. was already vacated. The C.O. has got no jurisdiction to file any case in disobedience of that order. It is further submitted that not only this from perusal of the Death Certificate of One Ganesh Nishad, it will be found that he died in the year 2016 at Dhanbad whereas he has also been made an accused in this case. It shows that the manner in which the prosecuting agencies are working.

5. Learned APP appearing for the State opposed the prayer of bail of the petitioners.

6. Having heard learned counsel for the parties and in



the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Bodh Gaya P.S. Case no. 513 of 2024, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Ashok Kumar Pandey, J)

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