

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33939 of 2025

Arising Out of PS. Case No.-56 Year-2025 Thana- LODIPUR District- Bhagalpur

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1. Anuj Kumar S/O Bhola Mandal R/O Village- Ramsar, P.S.- Tatarpur, Dist. - Bhagalpur. (But Wrongly stated in the F.I.R. Distt.- Munger).
 2. Bibhash Kumar @ Vibhash Kumar S/O Panchu Mandal Resident of Village- Tilkamanjhi, P.S- Lodipur, District- Bhagalpur.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Davendra Kumar Pandey, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 22-05-2025 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

2. In the present case, the petitioners are apprehending their arrest in connection with Lodipur P.S. Case No. 56 of 2025 dated 16.03.2025, registered for the offences punishable under Sections 191(2), 190, 115(2), 126(2), 303(2), 74, 308(2), 119(1), 352, 351(2), 329(3) and 324(4) of the B.N.S., 2023.

3. As per prosecution case, the petitioners and other co-accused persons removed the boundary wall of the land of the informant which they have purchased in the year 2013 and also took away the building material kept on the land.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have been falsely implicated in this case. Petitioners are the owners of the said land on which informant has started construction. The petitioners purchased the land in the year 2005 and if the informant is aggrieved, she could file Civil Suit with regard to her title. The informant started making construction over the suit land, though the land has been in possession of the petitioners, since its purchase in the year 2005. Learned counsel further submits that the informant did not know petitioners and from the FIR, it is apparent that she made enquiry of her own and thereafter, named the petitioners and other co-accused persons in this case. Learned counsel further submits that there is a *bona fide* land dispute between the co-accused Sanni Kumar and the informant, but the petitioners have no concern with both the parties. The petitioners were not present at the spot and no witness has come forward to say so about presence of the petitioners. The dispute appears to be Civil in nature, but a Criminal case has been lodged by the informant. The learned counsel lastly submits that both the petitioners are having criminal antecedent of one case each.

5. Learned APP opposes the submission made on behalf of the petitioners.

6. Having regard to the facts and circumstances and



submissions made on behalf of the parties and considering the doubtful and vague nature of allegation against the petitioners and also considering predominantly Civil nature of the proceeding and further considering possibility of false implication, let the petitioners above-named, in the event of their arrest or surrender before the Court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhagalpur, in connection with **Lodipur P.S. Case No. 56 of 2025**, subject to the conditions as laid down under Section 482(2) of the B.N.S.S. and other following conditions:

(i) One of the bailors will be a close relative of the petitioners.

(ii) The petitioners will remain present on each and every date fixed by the Court below, if so required by the learned trial Court.

(Arun Kumar Jha, J)

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