

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64664 of 2025

Arising Out of PS. Case No.-471 Year-2025 Thana- SAHARSA SADAR District- Saharsa

1. Dilip Shukla @ Dilip Kumar Shukla S/O Late Shivam Shukla @ Shivnandan Shukla @ Late Shivan Shukla R/O Village- Bherdhari, Ward No.- 37, PS- Saharsa, District- Saharsa
2. Raj Kumar Shukla @ Raj Kumar Shukl S/O Late Shivam Shukla @ Shivnandan Shukla @ Late Shivan Shukla R/O Village- Bherdhari, Ward No.- 37, PS- Saharsa, District- Saharsa
3. Md Ramtulla @ Md. Rahmatullah @ Ramtulla S/O Md. Aftab R/O Village- Bherdhari (Rupnagra), Ward No.- 37, PS- Saharsa, District- Saharsa
4. Md. Guddu @ Md. Anzarul Hussain S/O Md. Israful @ Israful Hussain @ Israful R/O Village- Bherdhari (Rupnagra), Ward No.- 37, PS- Saharsa, District- Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Shilpi Keshri, Adv.
For the State : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 17-09-2025 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners are apprehending their arrest in connection with Saharsa Sadar P.S. Case No. 471 of 2025 registered for the offences punishable under Sections 126(2), 115(2), 308(2), 308(3), 308(5), 303(2), 324(4), 324(5), 3(5) of Bhartiya Nyaya Sanhita.

3. As per prosecution case, petitioners and other forcibly cut the crop from the informant's land measuring 20



Kattha. It is alleged that when informant came to know about the said incident, he rushed towards his field but informant was assaulted by the petitioners and other. It is further alleged that petitioner no. 1/ Dilip Shukla, petitioner no. 2/ Raj Kumar Shukla and co-accused Raghav Shukla assaulted upon the head of informant by means of sword and gadasa but informant saved himself from the said assault. It is further alleged that informant was threatened either to pay Rs. 30 lakh in Rangdari or to face dire consequences. It is further alleged that petitioners and other looted 20 quintal of wheat crop worth about Rs. 50,000/-.

4. Learned counsel for the petitioners submits that basically no injury has been sustained by the informant and he lodged this case only on the basis of some ornamental allegation. Petitioners are quite innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. He further submits that present case has been lodged on account of land dispute as same is evident from the FIR itself. It is stated at para-8 of the bail petition that land in question for which the dispute arose which is part of a land appertaining to Tauzi No. 3759, Thana No. 189, Khata (O)-1909, Khesra (O)-6645, Area 4 bigha, 10 kattha, purchased by one Ramdhani Shukla who is grand father of petitioner no. 1



and 2 in the year 1921 through a registered Patta Duami. It is mentioned at para-9 of the bail petition that name of grand mother of informant has wrongly been entered during the new survey entry for which Title Suit No. 44 of 2007 is pending before the Sub-Judge, Saharsa and in the light of aforesaid facts and circumstances of the case, the allegation made in the FIR has no basis. He further submits that as the *bona fide* land dispute is going on between the parties, the allegation of looting crop is merely ornamental in nature just to pressurize the petitioners. He further submits that in the cases of land dispute, facts are generally exaggerated to make the offence graver. In the light of aforesaid facts and circumstances of the case, no offence, as alleged in the FIR, is made out against the petitioners. Apart from that, petitioners no. 1 to 3 have no criminal antecedent and petitioner no. 4 bears criminal antecedent of one case in which he is on bail.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that name of petitioners finds place in the FIR and they cannot escape from the allegation made in the prosecution story.

6. Considering the facts and circumstances of the case, there is land dispute between the parties, argument



advanced on behalf of both sides and also taking into consideration the material available on record, the petitioners above-named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa Sadar P.S. Case No. 471 of 2025, subject to the conditions as laid down under Section 482(2) of B.N.S.S.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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