

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.687 of 2026

Arising Out of PS. Case No.-138 Year-2025 Thana- PIYAR District- Muzaffarpur

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Brajesh Kumar @ Mona Thakur Son of Uma Shankar Thakur Resident of
Village- Rampur Dayal, P.S.- Pear, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha

For the Opposite Party/s : Mr. Ram Sevak Choudhary

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 13-03-2026 1. Heard learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf
of the informant.
2. The petitioner apprehends his arrest in connection
with Pear P.S. Case No.138/2025, registered for the offences
punishable under Sections 191(2), 190, 115(2), 126(2), 303(2),
119(1), 308 (1), 308(3) and 324(4) of the B.N.S., 2023.
3. Learned counsel for the petitioner submits that
petitioner has antecedent of six cases, out of which, the
petitioner was acquitted in one case and police submitted final
form in another case, in which, cognizance has not been taken,
one case was instituted by the informant, two cases are under
the Excise Act and one more case was instituted by the family
members and the informant alleges that road construction work
was being done forcibly on his land, on protest, the petitioner
assaulted him and asked him to leave the place of occurrence



and snatched his chain, the informant managed to escape and came to his house, further three named accused persons excluding the petitioner along with 25 unknown accused were assisting in taking possession of the land, accordingly, the police was informed and the construction work was stopped, thereafter on the same day, in the evening, the petitioner and Ramanand came along with 200 unknown accused and the hut was uprooted and looted 5 quintal of grams.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that informant alleges that forcibly a road was being constructed on his private land which led to the occurrence. It is next submitted that the road was not being constructed on the private land of the informant rather the road was under construction based on a scheme passed by the authorities.

5. Learned A.P.P. for the State and the learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the land on which the road was being constructed is private land of the informant, accordingly, the



police was informed and the police after verifying the record stopped the construction work. It is also submitted that no scheme has been brought on record to show that the road was to be constructed on the private land of the informant. It is also submitted that if authorities intend to construct a road on the private land of the informant, in that event, the same can be done only after acquiring the land in question. It is next submitted that petitioner has antecedent of six cases and similarly situated co-accused Ramanand Ojha had approached this Court seeking anticipatory bail by filing Cr. Misc. No.8558/2026 and the same came to be rejected by an order dated 23.02.2026 passed by a learned Coordinate Bench. It is thus submitted that the case of the petitioner is also on a similar footing.

6. After hearing the learned counsel for the parties, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner.

7. The anticipatory bail application of the petitioner is rejected.

(Satyavrat Verma, J)

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