

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26139 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- GOPALPUR District- Patna

1. Ram Sewak Singh @ Ram Sewak Yadav @ Ram Sewak Ray S/O Late Brijnandan Singh @ Dukhan Ray Resident of Village- Gosain Math, Post- Sona Gopalpur, P.S.- Gopalpur, Anchal- Sampatchak, Dist.- Patna.
2. Manoj Kumar @ Manoj Yadav @ Pappu Ray S/O Late Brijnandan Singh @ Dukhan Ray Resident of Village- Gosain Math, Post- Sona Gopalpur, P.S.- Gopalpur, Anchal- Sampatchak, Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar
		Mr.Dr Pranav Kumar
For the Opposite Party/s	:	Mr.Umeshanand Pandit
For the informant	:	Mr. Shubhesh Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 07-04-2026 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Gopalpur P.S. Case No. 18 / 2025 dated 14.01.2025 registered under Sections 191(2), 190, 126(2), 115(2), 303(2), 352, 351(2) of the B.N.S.

3. As per the first information report the informant, who has purchased a piece of land at Mauza- Sona Gopalpur bearing Khata No. 45 & 86 having Khesra No. 355 and 356, Area- 04 Katha has been making construction upon the said land for a fairly long period of time. The petitioners along with other co-accused persons started demanding 'rangdari' and damaged



the wall erected by the informant and also snatched golden chain for which Gopalpur P.S. Case No. 542 of 2024 was lodged by the informant on 09.12.2024. It has further been alleged that on 13.01.2025 in the afternoon while the informant was making construction upon his land, the petitioners along with 30-40 unknown persons arrived there and assaulted the informant with lathi, danda etc. Petitioners were having gun in their hands and also resorted to firing. The friend of the informant was assaulted brutally.

4. Learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged inasmuch as 04 Katha of land was purchased by the informant from the father of the petitioners at the front and the petitioners have a big chunk of land measuring about 17 Katha behind that 04 Katha of land. Since 04 Katha of land was purchased at the front it was blocking the passage towards 17 Katha of land belonging to the petitioners for which the parties arrived at agreement by which the informant was to leave 16 feet of the land in the front for the purpose of passage leading towards petitioners 17 Katha of land and in lieu thereof petitioners were to transfer equivalent area of land to the informant. Petitioners have annexed Annexure -P/2 which is sketch map of the land in question dated



27.05.2023. It has further been submitted that the informant thereafter started encroaching upon the passage for which a 'sanha' was lodged by the petitioners in Gopalpur P.S. on 17.12.2024. On 13.01.2025 the petitioners lodged an F.I.R. against the informant and others with the allegation that the informant was encroaching upon 16 feet passage left by him pursuant to agreement between the parties and upon objection he resorted to firing, abused and also assaulted the petitioners. The F.I.R. was lodged by the petitioners on 13.01.2025 having Gopalpur P.S. Case No. 17 / 2025 and in retaliation of the said F.I.R. the present F.I.R. has been lodged by the informant having Gopalpur P.S. Case No. 18 / 2025 dated 14.01.2025. It has further been submitted that a measurement case was also lodged by the petitioners in which on 04.12.2024 notice was issued to the informant but he has not appeared before the Circle Officer, Sampatchak (Patna). The injury report of the victim -Rameshwar Sah has been annexed as Annexure- P/7 and from perusal of the same it appears that no serious injury has been caused to the victim.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that petitioners are not allowing the informant to construct his house



upon the purchased land and also has not transferred the land behind 16 feet passage as per the agreement between the parties. No sale deed and / or exchange deed has been registered by the petitioners in favour of the informant. Prior to lodging of the present F.I.R. the informant has lodged Gopalpur P.S. Case No. 542 of 2024 against the petitioners. The petitioners are aggressors and they are disturbing the informant on the strength of power and since the informant is a resident of Muzaffarpur, he is not in a position to resist the side of the petitioners, who are permanent resident of Gopalpur. It is also submitted that after getting interim order in their favour, the petitioners have again assaulted the informant and not allowing the informant to make construction for which another F.I.R. bearing Gopalpur P.S. Case No. 248 of 2025 dated 22.06.2025 has been lodged by the informant against the petitioners.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that there appears to be long standing land dispute between the parties, case and counter case is there and injury sustained by the victim is not serious in nature, accordingly, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on



anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of Ms. Latika Bharti, learned Judicial Magistrate 1st Class, Patna in connection with Gopalpur P.S. Case No. 18 / 2025 subject to the condition as laid down under Section 482 (2) of the B.N.S.S.

(Anil Kumar Sinha, J)

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