

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55868 of 2024

Arising Out of PS. Case No.-216 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

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Ram Sagar Sada @ Sagar Sada, S/O Late Kari Sada, Resident Of Village
Kewatgawan, Police Station Kusheshwar Asthan, District Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 26-02-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Kusheshwar Asthan P.S. Case No.216 of 2022 registered for the offences punishable under Sections 147, 148, 149, 188, 109, 353, 384, 504, 506 and 120(B) of the Indian Penal Code. The petitioner has got two criminal antecedents as stated in paragraph ‘3’ of the application.

3. As per the prosecution story, on the written information of one Praween Kumar Singh regarding apprehension of encroachment over his personal land by Mahadalits, a police officer was conducting the inquiry and in the meantime on 12.06.2022 a Chowkidar, deputed at the disputed land, informed about ongoing construction of thatched houses by Mahadalits over



the disputed land on which informant, a police officer, along with other police personnel reached there and witnessed 50-60 thatched houses got constructed by FIR named 34 accused persons including this petitioner along with 50-60 unknown persons and on being objected they refused to provide any valid papers in respect of the land.

4. Learned counsel for the petitioner submits that the petitioner is not involved in encroachment over the said land and he has been falsely implicated in this case.

5. Learned A.P.P. for the State has opposed the prayer for pre-arrest bail of the petitioner.

6. Having regard to the submissions that there are general allegations against the petitioner of being one of those 50-60 persons who had allegedly assembled at the place of occurrence with arms in order to take possession of the land in question, however, no specific role has been assigned to this petitioner and the petitioner has yet not been declared absconder by the learned court below, an assertion which has not been controverted by the learned counsel for the State and then three of the co-accused have been granted identical privilege by this Court in Cr.Misc. No.66720 of 2022, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail



bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Biraul at Darbhanga in connection with Kusheshwar Asthan P.S. Case No. 216 of 2022, subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and further condition that the petitioner has not been declared absconder in the court below and he will present himself before the I.O. of the case within four weeks from today and shall assist him in the investigation of the case.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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