

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24469 of 2016

Arising Out of PS.Case No. -802 Year- 2013 Thana -KHAGARIA COMPALINT CASE District-
KHAGARIA

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Md. Naushad Alam @ Naushad Alam S/o late Riyajuddin Ahmad Resident
of Muhalla-Churipatti College Road, P.O/ P.S. /District-Kishanganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Jitendra Nath Mishra S/o late Yogendra Nath Mishra, resident of Village
Sirnia, P.S.-Gogri, District Khagaria.

.... Opposite Parties

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Appearance:

For the Petitioner : Mr. Rakesh Chandra, Advocate.

For the Opposite Party : Mr. R.N. Jha, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-08-2016

Heard both sides.

The petitioner apprehends his arrest in Complaint
Case No. 802 of 2013 under Sections 147, 148, 149, 379, 406,
420, 468 and 120(B) of the Indian Penal Code. Cognizance has
been taken only under Section 420 of the I.P.C.

The complainant alleged that he and his brother
(witness No. 1) owns land in Tauzi No. 1861 and 525, Khata No.
3 and 10, Khesra No. 6, 7, 8 and 9, Area 05 Bigha 11 Katha, 12
Dhurs situated at Katghara Diyara of Sirnia.

It is submitted that Gopi Mandal and other were
constructing Indira Awaas on the land of the complainant and his
brother. The complainant made complaint to Block Development

Officer but he did not take any action. It is alleged that the petitioner being the Block Development officer in collusion of other accused person allowed the construction of Indira Awas on the land of the complainant and his brother.

Shri Yogesh Chandra Verma, learned counsel for the petitioner submits that the petitioner joined as Block Development officer, Gogri on 29.07.2011. The petitioner has no authority either to stop the construction of Indira Awas or to pass any prohibitory order.

On the other hand, the learned counsel for the complainant submitted that the petitioner in collusion of the other accused persons allowed construction of Indira Awas.

Considering the facts aforesaid and the nature of allegation made against the petitioner and no document is attached with the complaint petition to show that the petitioner ordered the construction of Indira Awas on the land of the complainant, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate,

Khagaria in Complaint Case No. 802 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J.)

Mishra/-

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