

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.23331 of 2016

Arising Out of PS.Case No. -32 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

1. Prabhu Prasad Yadav Son of Vishwanath Jee Yadav, Resident of village-
Sidheshwar Colony, Jhabua (M.P.)

.... .. Petitioner/s

Versus

1. The State of Bihar

.... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Tapeswar Sharma (App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 04-08-2016 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Madhuban P.S.Case No. 32 of 2016 registered for offences
punishable under Sections 440 D.M.C. Act and 3/4 Damage to
Public Property Act.

The prosecution case is that on the basis of the written
report of the informant, Circle Officer, Madhuban, stating therein
that on secret information he reached the place of occurrence
where he found that driver and the owner was damaging the Dam
of river Burhi Gandak (Sikrahana River) through J.C.B.
Machine No. B.R.01 G.A.-2630, causing loss to the Government
property.

It has been submitted by the learned counsel for the
petitioner that the petitioner is a driver of the said J.C.B. Machine

and on the basis of the instructions of Mukhiya of the said Gram Panchyhat, the work near the breach, was being done smoothly. He further submits that the petitioner has no criminal antecedent as is evident from para-3 of this petitioner and he is not responsible for any overt act. He submits that he is not the owner of the J.C.B. Machine, as such he has been falsely implicated.

However, learned A.P.P. submits that the petitioner along with the owner was found to be taking away the soil near the said breach in the said J.C.B. as is evident from various paras of the case diary, hence, opposes the prayer for bail.

Be that as it may, since the petitioner was a driver of the said J.C.B. Machine, let the above named petitioner in the event of his arrest or surrender before the Court below within a period of eight weeks from today be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand only) with two sureties of the like amount each in connection with Madhuban P.S. Case No. 32/2016 to the satisfaction of learned Additional Chief Judicial Magistrate- IV, Motihari, East Champaran, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Nilu Agrawal, J)

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