

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9532 of 2017

Arising Out of PS.Case No. -32 Year- 2016 Thana -NTPC District- PATNA

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1. Mamta Devi @ Mamta Kumari, wife of Krishna Ballabh Prasad,
 2. Krishna Ballabh Prasad, son of Shailendra Pd. Singh, both are resident of village - Raully, P.S.-N.T.P.C., District - Patna

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Babita Kumari, Advocate

For the Opposite Party/s : Mr. Manoj Kumar – 1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4/ 25-08-2017

Heard learned counsel for the petitioners and learned

APP for the State.

Petitioners apprehend their arrest in NTPC P.S. Case No.32 of 2016 instituted for the offence under Section(s) 427, 120-B Indian Penal Code.

It is alleged in the written report filed by the Block Development Officer that he received information from Sri Shashikant Dhar of village Raully that *Panchayat Bhawan* has been ordered to be demolished by Ex-Mukhiya and his wife (these petitioners). Inspection was done by Sri Nirbhay Kumar Mishra, Block Agriculture Officer, Pandarak, and the allegation was found to be true as demolition work was continuing.

Counsel for the petitioners has submitted that there is report of Junior Engineer, Pandarak (Annexure-5), wherein, he



has mentioned that *Panchayat Bhawan* is in abandoned condition. Thereafter, a proposal was kept in meeting of *Gram Sabha* dated 18.12.2015 (Anneuxre-3) to demolish the aforesaid *Panchayat Bhawan* and construct the new *Panchayat Bhawan*. Accordingly, in the meeting of *Gram Sabha* dated 07.01.2016 (Annexure-4), resolution was passed vide item nos. 6 and 7 to get the dilapidated *Panchayat Bhawan* demolished and construct new *Panchayat Bhawan* and to make payment to the labourer engaged in demolishing *Panchayat Bhawan* at the government rate.

It has been submitted that the petitioner No.2 was *Mukhiya* at the relevant time.

In the facts and circumstances of the case, prayer of the petitioners for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today in connection with NTPC P.S. Case No.32 of 2016, they shall be released on anticipatory bail on furnishing bail bond of `10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Barh, Patna, subject to the conditions as laid down under Section 438(2) Cr. P. C. with further conditions: (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall



cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(Sanjay Priya, J)

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