

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58920 of 2017

Arising Out of PS.Case No. -195 Year- 2017 Thana -PARWATTA District- KHAGARIA

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Kamlesh Kumar @ Kamlesh Kumar Singh, Son of Late Mundrika Prasad Singh, Resident of Village- Pema, Post Office- Dumrivelwa, Police Station- Madanpur, District- Aurangabad.

... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Advocate
For the State : Smt. Reena Sinha, APP
For the informant : Mr. Surendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 13-12-2017 Heard learned counsel for the petitioner, learned Additional Public Prosecutor for the State and learned counsel for the informant.

The petitioner seeks pre-arrest bail in connection with Parbatta P. S. Case No. 195 of 2017 registered under Sections 379, 504 and 506/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that on perusal of the FIR itself, it would be evident that the informant has himself admitted that the petitioner is the contractor for constructing dam and was duly authorized by the Flood Control Division of the Government for execution of the work. The informant has maliciously instituted the present case against the petitioner for theft of soil and has also filed



representation before the Public Grievance Cell against Executive Engineer, Flood Control Division for compensation. The petitioner has got roots in the society and has got no criminal antecedent.

On the other hand, learned counsel for the informant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner. He submitted that the land of the petitioner has badly been damaged due to illegal mining of soil by the petitioner in connivance with the Executive Engineer of Flood Control Division.

Having regard to the nature of allegation, the petitioner named above, in the event of arrest or surrender before the court below within six weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Khagaria in Parbatta P. S. Case No. 195 of 2017, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.

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