

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29351 of 2017

Arising Out of P.S.Case No. -48 Year- 2017 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

=====

Gulab Chand Thakur Son of Late Jib Lal Thakur resident of village -
Maile, P.S. - Bidupur, District - Vaishali.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Ranjit Kumar, Advocate

For the Opposite Party : Smt. Meena Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 01-07-2017 Heard.

The petitioner apprehends his arrest in connection with Bidupur P.S.Case No.48 of 2017 registered for the offence under Sections 323, 186, 353, 332, 447 and 504/34 of the IPC.

The case has been registered on the basis of the report submitted by ASI of Bidupur. It is alleged that the local Chaukidar informed him on 17.02.2017 at 14.10 over his mobile that while he was on the disputed land, this petitioner and other co-accused abused and chased him and forcibly started constructing his house. A proceeding under Section 144 of the Cr.P.C. was initiated which was converted into proceeding under Section 145 Cr.P.C. The disputed land was attached by SDM under Section 146(I) of the Cr.P.C. and the SHO was appointed as receiver. The



petitioner has thus disobeyed the attachment order and forcibly constructed wall.

The learned counsel submits that the petitioner is a retired army personnel who had acquired the land in question from the money received after his retirement. The allegation of construction wall by this petitioner after the attachment order is false and concocted and this petitioner has not violated the order of SDM. He further submits that the proceeding launched against this petitioner for the offence under Section 188 of the Cr.P.C. has been dropped. The petitioners having clean antecedent deserve anticipatory bail.

The learned APP opposed the submission.

Perused the annexures available on the record. It appears that a proceeding under Section 144 of the Cr.P.C. was initiated over 32 decimal land of plot no.2090. The petitioners purchased the land from one of the co-sharers. The allegation of violation of order by this petitioner is omnibus. The proceeding initiated against the petitioner for the offence under section 188 of the Cr.P.C. has been dropped.

In the facts and circumstances, the anticipatory bail prayer is allowed. Let the above named petitioner be released on bail in the event of his arrest or surrender before the learned



court below within a period of six weeks from today in connection with Bidupur P.S.Case No.48 of 2017 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of CJM, Hajipur at Vaishali, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sanjay Kumar, J)

B.Kr./-

U		T	
---	--	---	--

