

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33401 of 2018

Arising Out of PS.Case No. -251 Year- 2018 Thana -AGAMKUAN District- PATNA

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Braj Bhushan Chaudhary, S/o Late Ram Lakhan Chaudhary, R/o HIG Plot
No.- 4H/17, Bahadurpur, P.S.- Agamkuan, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Bihar State Housing Board through M.D., Sardar Patel Marg, Main
Head Office, New Old Secretariat, Bihar, Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund, Advocate.

For the Opposite Party/s : Smt. Indu Kumari Srivastava, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 18-06-2018

Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Agamkuan P.S.**

Case No. 251 of 2018 instituted for the offence under Sections 353,
188, 34 of the Indian Penal Code and Section 3 of Damage to Public
Property Act.

Learned counsel for the petitioner has submitted that
petitioner is residing in residential house built upon Plot No. 4 H/17 for
almost four decades. He has not encroached upon even an inch of land
which the authorities are erroneously attempting to demonstrate. It has
further been submitted that earlier two orders dated 28.03.2012 and
06.01.2009 passed by the Housing Board were deplored as being non-
speaking and infirm by the Hon'ble High Court in MJC No. 4931 of
2011. It has been submitted that CWJC No. 13995 of 2012 pertaining



to aforesaid Plot number is subjudice in the Hon'ble Patna High Court wherein Memo No. 18/SAPA dated 14.05.2012 is under challenge.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioner is allowed. In the event of surrender/arrest of the petitioner, named above, within six weeks from today, in connection with **Agamkuan P.S. Case No. 251 of 2018**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned **Additional Chief Judicial Magistrate, Patna City, 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) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be liable to cancel his bail bond and (3) if petitioner tampers 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 petitioner.

(Sanjay Priya, J)

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