

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.29058 of 2018**

Arising Out of PS. Case No.-979 Year-2017 Thana- BIHTA District- Patna

CHOTAN KUMAR @ UMA SHANKAR PRASAD @ CHHOTAN  
KUMAR, S/O TULSI SINGH.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Rajesh Kumar

For the Opposite Party/s : Mr. Sri Ram Bilash Roy Raman

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR  
MISHRA**

ORAL ORDER

2      10-05-2018                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection  
with Bihta P.S. Case No. 979 of 2017 registered under Sections  
188 and 379/34 of the Indian Penal Code.

The accusation is that petitioner along with  
Kameshwar Rai, Santlal Rai and Tejan Rai, wanted to take  
possession forcibly over the land of the informant. Therefore,  
informant gave an application at the Police Station, on which,  
None F.I.R. No. 29 of 2017 was instituted, for proceeding under  
Section 144 Cr.P.C., in which, notices were issued. In spite of  
receiving the notice, petitioners forcibly cut the paddy crops and  
made attempt to sowing the wheat crop.



Learned counsel for the petitioner submits that if the allegation, as detailed in the F.I.R., is taken to be true then the case would come in the preview of Section 188 of the Indian Penal Code, about disobedience of the order of the Executive Magistrate passed under Section 144 Cr.P.C. and not under Section 379 of the Indian Penal Code. The offence under Section 188 of the Indian Penal Code is bailable in nature.

Having regard to the facts and circumstances of the case, 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, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the A.C.J.M.-II, Danapur, in connection with Bihta P.S. Case No. 979 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**(Rajendra Kumar Mishra, J)**

Bhardwaj/-

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