

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1316 of 2018

Arising Out of PS.Case No. -32 Year- 2016 Thana -MADHUBAN District-
EASTCHAMPARAN(MOTIHARI)

=====

1. Anwar Hussain, Son of late Miyanjaan Ansari, Resident of Village-
Jitaura, P.S.-Madhuban, District-East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh

For the Opposite Party/s : Mr. Sri Kumar Virendra Narayan

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Madhuban P.S.Case No. 32 of 2016 registered under Sections
4 and 40 of the D.M.C. Act and Sections 3 and 4 of the Prevention
of Damage to Public Property Act.

It is submitted by the learned counsel for the
petitioner that that the petitioner is not named in the First
Information Report. The co-accused Prabhu Prasad Yadav, the
driver of the JCB Machine named in the FIR has already been
granted pre-arrest bail by a Bench of this Court vide order dated
04.08.2016 passed in Cr.Misc. No. 23331 of 2016. The mother
and son of the petitioner, namely, Smt. Johra Khatoon @ Johra



Khatoon and Tunna Mian have also been granted pre-arrest bail by a Bench of this Court vide order dated 22.12.2017 passed in Cr.Misc. No. 61855 of 2017. It is submitted that the only thing which transpired during investigation against the petitioner is that when the work was being done by the JCB Machine, he was also present there.

Learned counsel for the State submitted that there is allegation in the FIR that the driver of the JCB Machine damaged the embankment wall of river Budhi Gandak.

Having regard to the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, the petitioner 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 the learned Sub-Divisional Judicial Magistrate-IV, Motihari in connection with Madhuban P.S.Case No. 32 of 2016, 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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