

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20722 of 2018

Arising Out of PS.Case No. -84 Year- 2017 Thana -SITAMARHI COMPLAINT CASE District-
SITAMARHI

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Shambhu Rai S/o Late Ram Ashish Rai, R/o Village- Raj Punaura West,
P.S.- Sitamarhi, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Ramchandra Singh S/o Late Nirsu Singh, R/o Village- Punaura, P.S. and
District- Sitamarhi.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhubala Verma

For the Opposite Party/s : Mr. Sri Bharat Lal

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 20-04-2018

Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner is apprehending his arrest in a
complaint case, wherein processes have been directed to be
issued after cognizance being taken for the offences punishable
under Sections 384 and 427 of the Indian Penal Code.

The prosecution case is that the complainant
had planted trees on his land about 15 years ago but the
petitioner being the Mukhiya along with others dig the land of
the petitioner through JCB machine and damaged the orchard on



the land of the petitioner. However, under the MANREGA scheme the soil has been filled up on manual cutting of the soil.

It is submitted by learned counsel for the petitioner that even assuming the accusation no offence is made out against the petitioner. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent. The complaint petition reflects that the date of occurrence has been mentioned as 14.01.2017 when the complaint was filed on 17.01.2017. Moreover, co-accused Md. Manzoor and others have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 17.01.2018.

Learned APP, however, submits that the cognizance has been taken against the petitioner.

Considering the nature of accusation coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Complaint Case No. C-I 84 of 2017,



subject to the conditions as laid down under Section 438(2) of the
Cr.P.C.

(Dinesh Kumar Singh, J)

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