

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75162 of 2019

Arising Out of PS. Case No.-142 Year-2018 Thana- BELDOUR District- Khagaria

Radheshyam Yadav @ Radhe Shyam Yadav, Son of Sri Banarsi Yadav,
Resident of Mohalla - Kamla Nagar Colony, At - Manikpur, P.O. - Mirjanhat,
P.S.- Mojahidpur, Distt - Bhagalpur presently posted as Junior Engineer,
Tarapur, Distt - Munger.

... .. Petitioner/s

Versus

The State of Bihar

. ... Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Chaudhary, Advocate Mr. Akshansh Ankit, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-12-2019 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Beldaur P.S. Case No.142 of 2018, G.R. No.2152/18 registered for the offence punishable under Sections 406, 409, 420/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the present petitioner has been roped in connection with the present case with the allegation that he had got constructed a toilet out of public fund within the premises of Md. Salauddin on his personal property which was contrary to the use of the money which was to be spent on public purpose. Learned counsel for the petitioner submits that actually, the public toilet was constructed near the house of Md. Jairul at Kainjari Panchayat, but the said Md. Salauddin with the passage of time of eleven years had encroached upon the



public land and therefore, after such encroachment, the public toilet came to be within his premises which attracted the wrath of the authorities and the present F.I.R. has been instituted against him. It is further submitted that only on account of being posted as a Junior Engineer at the relevant point of time, the petitioner is facing prosecution.

Considering the entire facts and circumstances of the case and on account of the fact that the petitioner is still functioning in the office, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate,1st Class, Khagaria, in connection with Beldaur P.S. Case No.142 of 2018, G.R. No.2152/18, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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