

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.23521 of 2020**

Arising Out of PS. Case No.-585 Year-2019 Thana- MUFFASIL District- West Champaran

Dhurandhar Prasad Chaurasiya @ Dhurandhar Chaurasiya Son of Vishwanath
Bhagat Resident of Village-Mahanaganni, Ward No.11, P.S.-Bettiah Mufassil,
District-West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 07-10-2020 Learned counsel for the petitioner undertakes to remove the defects within two weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Akhileshwar Dayal, learned APP for the State.

The petitioner here is said to be the Secretary of one Mahaviri Akhara, he is seeking pre-arrest bail in connection with Mufassil P.S. Case No.585/2019 registered for the offences punishable under Sections 147, 148, 149, 187, 188, 323, 324, 307, 332, 333, 334, 338, 120(B), 353, 427, 379, 386 and 506 of the Indian Penal Code, Sections 3/4 of Damage to Public Property Act and Section 2 of Bihar Collective Fines (Imposition) Act, 1982.

Learned counsel for the petitioner submits that on perusal of the letter no.2276 dated 23.10.2019 written by the Block



Development Officer, Majhulia Block (West Champaran) which is the basis of the present First Information Report, it will appear that the informant along with some other officials had gone on the land in question for purpose of laying down the foundation work of a polytechnic college approved by the concerned department of the government. The allegation against the petitioner is that he along with some other persons and in their leadership about 200-250 unknown people interfered in the official work and started throwing brick and attacked by lathi and had there been no police force in sufficient numbers it is apprehended that there would have been any untowards happening. The allegation is that they were raising illegal demands and they have caused damage to the materials which are used in construction of building.

Learned counsel for the petitioner submits that from First Information Report itself it will appear that there is no specific allegation against this petitioner of causing any assault on any of the officials, although it is alleged that the bricks were thrown and they were attacked by lathi but there is no allegation that any of the officials had received any injury and that shows the falsity of the allegations.

Learned counsel has further taken this Court through the copy of the title suit no.34/2018 (Annexure-2) which is in respect of the same piece of land and it is stated that this petitioner is defendant no.2 in the said suit. It is submitted that the land is in dispute and title



suit is going on at the instance of the plaintiff who is claiming ownership of the land and in this connection the petitioner had moved this Court in CWJC No.20358/2019 which was disposed of on 17.12.2019 saying that the dispute involves a question of title which may be adjudicated only by a competent civil court and thereafter the petitioner has filed title suit in the civil court. In these circumstances, it is submitted that the petitioner deserves privilege of anticipatory bail.

Although, learned APP for the State has opposed the prayer for anticipatory bail of the petitioner but in the nature of the materials noticed by this Court prima-facie showing that a dispute with respect to the land in question is going on in the civil court, petitioner is a party to the same and in the FIR the only allegation is that in leadership of the petitioner and other persons named therein 200-250 unknown persons had assembled and participated in the alleged occurrence causing hindrance but there is no allegation that this petitioner had assaulted anybody and there is no allegation that any injury has been received by informant and any other officer, let the petitioner above-named in the event of his arrest or surrender within a period of four weeks from today in connection with Bettiah Mufassil P.S. Case No.585/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as



laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

And further condition that the learned court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioner.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

