

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16459 of 2021

Arising Out of PS. Case No.-312 Year-2020 Thana- SUPAUL District- Supaul

Upendra Ram Son of Late Nathuni Ram Resident of Village- Babhani, P.S.-
Supaul, District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioner and

learned APP for the State.

Learned counsel for the petitioner is expected

to honour his undertaking given in the instant case for

depositing the requisite court fee and to remove the

defects as pointed out by the office when called upon to

do so by the office.

The petitioner is apprehending his arrest in a

case registered for the offences punishable under

Sections 188, 447, 353, 34 of the Indian Penal Code.

It is alleged that the accused persons including

the petitioner was constructing a house by filling the soil

on Khata No. 83, Kheshra No. 295 despite a prohibition



on the land in question.

It is submitted by learned counsel for the petitioner that the house on the land in question was built from the time of his grand father. Moreover, for a civil nature of dispute, the petitioner cannot be prosecuted in a criminal proceeding.

In the facts and circumstance of the case, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Supaul in connection with Supaul P.S. Case No. 312 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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