

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41662 of 2021

Arising Out of PS. Case No.-176 Year-2019 Thana- BAKHTIYARPUR District- Patna

RAJIV KUMAR @ KARU YADAV Son of Shailendra Singh @ Surendra
Yadav R/o Village- Champapur, P.S.- Bakhtiarpur, District- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate
		Mr.Sanjay Kumar
For the Opposite Party	:	Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 06-01-2022 This matter has been taken up for hearing online
because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

This application for grant of regular bail arises out of
Bakhtiyarpur P.S. Case No. 176 of 2019, registered for the
offence punishable under Section 188, 385 and 387 of the Indian
Penal Code.

The petitioner is in custody since 17.03.2021. The
First Information Report has been registered on the basis of a
communication made by the Circle Officer, Bakhtiyarpur, dated
19.03.2019 to the effect that in compliance of the interim order
of this Court passed in C.W.J.C. No. 2831 of 2017, a board was
fixed by the Circle Officer over the land described as Khata No.



434, Khesara No. 1490 of Mauza-Champapur, admeasuring 03 acres 53 decimals of land. Allegedly, in breach of the said interim order of this Court, the accused persons were found to have ploughed the land and removed the board so fixed by the Circle Officer. Allegedly, they were forcibly planting the crops, in defiance of the interim order of this Court.

Mr. Nawal Kishore Agrawal, learned Senior Counsel appearing on behalf of the petitioner has submitted that there was no such interim order passed by this Court in C.W.J.C. No. 2831 of 2017 as is being claimed in the First Information Report. He has further submitted that even on the basis of what has been alleged in the First Information Report, no offence can be said to be made out, punishable under Section 387 of the Indian Penal Code. In respect of Section 385 of the Indian Penal Code, he contends that the same is bailable.

Considering the background of the case and the nature of accusation against the petitioner, in my opinion, case for grant of regular bail is made out. This application is accordingly allowed.

Let the petitioner, above named, 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



learned A.C.J.M.-III, Barh, in Bakhtiyarpur P.S. Case No. 176
of 2019.

(Chakradhari Sharan Singh, J)

Pawan/-

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