

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49429 of 2022

Arising Out of PS. Case No.-87 Year-2019 Thana- RAJIVNAGAR District- Patna

Mala Rai Son Of Late Jagat Rai R/O Village- Chankra Vihar Colony, P.S.-
Rajeev Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ghanshyam Tiwary, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 01-12-2022 This petition has been taken up for out of turn hearing on a mentioning slip being moved on behalf of the petitioner that the marriage of the daughter of the petitioner has been fixed on 07.12.2022.

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

Let the defect (s), as pointed out by the office, be removed within a period of four weeks.

In the present case, the petitioner seeks bail in connection with Rajeev Nagar P.S. Case No. 87 of 2019 registered for the alleged offences under Sections 353, 504, 420, 467, 468, 471 and 120(b) of the Indian Penal Code and Section 3 of the Damage of Public Properties Act.

As per prosecution case, the informant is the Assistant



Regional Officer of Bihar Housing Co-operative Federation Limited and he filed a written report to the police making allegation that co-accused Pradeep Mahto and this petitioner along with other co-accused persons have been indulging in fraudulent transaction related to the land of the Government and they have illegally and forcefully occupied the plot of land belonging to the Government and the Federation of the informant. Further allegation against this petitioner is that he had been threatening the Government officials and others.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. The company of the informant is not a genuine company and it is not registered with the Government of Bihar. The learned counsel further submits that the Managing Director of Bihar State Housing Board intimated to the Collector of Patna that the Bihar State Housing Board Co-operative Federation Limited is meddling with the land of the Housing Board in an unauthorized manner. Learned counsel further submits that considering this fact, a Co-ordinate Bench of this Court vide order dated 17.12.2020 passed in Cr. Misc. No. 30317 of 2020 granted anticipatory bail to the co-accused Pradeep Mahto and another Co-ordinate Bench granted anticipatory bail to the co-accused



Ravindra Thakur vide Cr. Misc. No. 29008 of 2020. The petitioner is in custody since 27.06.2022 and charge-sheet has been submitted.

Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that the petitioner is accused in a number of cases of similar nature and he is a habitual offender.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the nature of allegation against the petitioner and his period of custody and the submission of charge-sheet against him, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Sub Judge-cum-Additional Chief Judicial Magistrate-III, Patna in connection with Rajeev Nagar P.S. Case No. 87 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and



every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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