

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67789 of 2021

Arising Out of PS. Case No.-819 Year-2020 Thana- EAST CHAMPARAN COMPLAINT
District- East Champaran

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MADINA NESHA W/o Mokhtar Miyan Resident of Village- Suraha, P.S.-
Motihari Muffasil, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. RAKESH RANJAN Son of Sachchidanand Prasad Resident of Village-
Suraha, P.S.- Motihari Muffasil, District- East Champaran.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhya Keshri Kumar, Sr. Adv. Mr. Umesh Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP Mr. Pravin Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 12-07-2022 Heard learned counsel for the parties.

The petitioner apprehends her arrest in a case instituted for the offence under Sections 161, 162, 166, 168, 149, 420, 406, 427, 384, 467, 468/34 of the Indian Penal Code.

As per allegation, construction work of sewer under scheme of 'Mukhya Mantri Gali Nishchay Yojana' was going on and the complainant requested the B.D.O. not to extend sewer to his pond, but the accused persons forcibly extended the sewer up to his pond and due to flow of dirty water in the pond, the fishes kept in the pond died and thus, the complainant suffered a loss of Rs. Two lacs.

It is submitted on behalf of petitioner that no offence, as alleged in the complaint petition, is made out against the



petitioner. As a matter of fact, the so called pond of the complainant is adjacent to the *Gairmajarua Aam* land, where sewerage pipe ends and concerned *Mukhiya* is responsible for construction work in the *Panchayat* under Government Scheme. The petitioner was at the relevant time elected ward member and she has got clean antecedent.

However, learned counsel for the informant vehemently opposed the prayer for anticipatory bail.

Considering the nature of allegation and clean antecedent of petitioner, let the above named petitioner, in the event of her arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, East Champaran, Motihari in connection with Trial No. 842 of 2021, arising out of Complaint Case No. C-819 of 2020, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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