

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11915 of 2022

Arising Out of PS. Case No.-469 Year-2021 Thana- RAXAUL District- East Champaran

GAUTAM ANAND Son of Ramanand Baitha Resident of Village- Kharsan
Pipra, P.S.- Riga, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar, Advocate Mr. Sanjay Kumar, Advocate Mr. Bibhuti Narayan, Advocate
For the Opposite Party/s :		Ms. Anita Kumari, APP
For the informant	:	Mr. Arun Kumar Pandey, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

8 06-07-2023 Heard learned Senior counsel for the petitioner and

learned A.P.P. for the State alongwith learned counsel for the

informant.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 406 and
409/34 of the Indian Penal Code.

Learned Senior counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant based on direction of the District Magistrate, East
Champaran, instituted the present FIR alleging that irregularities
were committed in purchasing land for slaughter house by
Nagar Parishad, Raxaul and the accused persons including the



petitioner are responsible for the same.

Learned Senior counsel for the petitioner submits that the petitioner was the executive officer of Nagar Parishad, Raxaul when the present FIR came to be instituted. It is next submitted that the FIR has been instituted in complete violation of specific guidelines issued by Department of Home, Government of Bihar vide letter No. 6211 dated 09.06.2008 wherein it has been specifically recorded that not to lodge FIR in haste rather the Government to proceed departmentally, the learned Senior counsel in support of the said submission relies on Annexure-8 to the anticipatory bail application.

It is next submitted that the empower standing committee of the Nagar Parishad, Raxaul had taken a decision in its meeting dated 21.12.2019 vide resolution No. 3 for purchasing 15,000/- Sq. feet of land for construction of a slaughter house, in compliance of the said resolution advertisement was duly published in daily newspaper for purchase of the land within the area of Raxaul Nagar Parishad, thereafter proposals came from various persons for selling their land and after deliberation the rate was decided and thereafter sale deed was executed on 05.10.2020. it is next submitted that the allegation against the accused persons including the



petitioner is that the land in question has been purchased on basis of MVR Report submitted by the Joint Registrar, Raxaul East Champaran, it is further submitted that there is specific resolution of the Government which empowers the Urban Local Bodies to purchase *Raiyati* land on market value as would be evident from the resolution dated 26.11.2015, contained in Annexure-6 to the petition.

The learned Senior counsel next submits that it absolutely does not stand to reason that if what has been alleged in the FIR is true then the Authorities could have proceeded departmentally against the petitioner but then the same was not done and in haste the present FIR came to be instituted.

It is next submitted that petitioner will not abscond rather will cooperate in the investigation.

Learned A.P.P. for the State alongwith learned counsel for the informant opposes the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned Senior counsel for the petitioner that the land was purchased after a decision was taken by the Empower Standing Committee by Nagar Parishad, Raxaul in pursuance whereof an advertisement was issued in the newspaper and after deliberation the rates were recommended.



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Raxaul P.S. Case No. 469 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

Adnan/-

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

