

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18692 of 2023

Arising Out of PS. Case No.-18 Year-2020 Thana- JAMALPUR District- Darbhanga

Mahadev Jha @ Mahadev Kumar Jha, Male, aged about 38 years, S/O Pramod Prasad Jha, Resident Of Village- Hansopur, P.S.- Jamalpur, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 14-06-2023 Heard Mr. Prabhat Kumar Singh, learned counsel appearing on behalf of the petitioner and Mr. Anil Kumar Singh No. 1, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Jamalpur P.S. Case No. 18 of 2020 registered for the offence punishable under Sections 353 and 188/34 of the Indian Penal Code.

3. Prosecution story, in brief, is that informant is an ASI at Bargaon OP. On 18.02.2020, at around 6 P.M., while the informant reached near village Hasopur received an information that a land pertaining to Khesra no. 19, Khata no. 124 measuring 1 acre 30 dismil, which is a government land, which has been recorded in the survey records as ‘Jal Jiwan Pokhar’ and which



is subject matter of Bargaon OP P.S. Case Nos. 124 of 2019, 125 of 2019 and 139 of 2019, on which a proceeding under Section 107/116 (3) is also pending, which has been encroached upon by the persons named in the FIR including the petitioner. On the basis of aforesaid information, the present Jamalpur P.S. Case No. 18 of 2020 was instituted and investigation proceeded.

4. Learned counsel appearing on behalf of the petitioner submitted that no offence under Sections 353 and 188/34 of the Indian Penal Code is made out against the petitioner. Petitioner has been made accused in the present case simply because he had just restrained the land mafia from encroaching the public land. He further submitted that the learned Court below had also observed that no case under Section 353 and 188/34 of the Indian Penal Code is made out against the petitioner. On these grounds, petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made against the petitioner in the FIR, I am of the opinion that petitioner has *prima facie* made out a case to be released on bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM 1st, Biraul, Darbhanga in connection with Jamalpur P.S. Case No. 18 of 2020, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

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