

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17604 of 2023

Arising Out of PS. Case No.-84 Year-2021 Thana- HISUWA District- Nawada

RAKESH KUMAR S/O RAJ KISHOR SINGH Resident of Village- Bhelu
Bigha, P.S.- Hisua, District- Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj
For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Hisua PS Case No. 84 / 2021 dated 12.02.2021 registered under Section 379 and 411 of the IPC.

As per the FIR lodged by the Assistant Director (Mines), Nawada, the informant got information on 23.01.2021 and 30.01.2021 that soil has been extracted and taken away from the embankment situated near the brick kiln of village- Bhelubigha and upon visit the informant found that soil was excavated from the Western side of the embankment for the purpose of sale. It has further been alleged that on query from local villagers they disclosed the fact of soil excavation but did not disclose the name of the persons who excavated soil. It has further been alleged that from written application of the villagers and from WhatsApp message on 10.02.2021 by the farmers of Orho Gram Panchayat it surfaced that petitioner along with the co-accused / Prince Kumar and other persons



used to extract soil from the embankment and sale the same in the market causing damage to the embankment.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case on the basis of fact that the petitioner is having some criminal antecedent in which he is already on bail. He further submits that the name of the petitioner has come in the present FIR after a long delay on the basis of disclosure made by the villagers of Ohro Gram Panchayat after lapse of about nineteen days and based upon the information collected by the informant through WhatsApp message. Accordingly submission is that villagers having inimical terms with the petitioner has falsely implicated the petitioner in the present offence as an after thought. No incriminating material and / or machinery used for extraction and transportation of soil has been recovered from the possession of the petitioner.

Regard being had to the submission made by the parties, taking into consideration the fact that except the name of the petitioner having been disclosed by the villagers after delay of nineteen days through WhatsApp message no other material has been produced against the petitioner, accordingly, I am inclined to grant anticipatory bail to the petitioner.



Let the petitioner, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of A.C.J.M.-II, Nawada in connection with Hisua PS Case No. 84 of 2021 subject to the condition as laid down under Section 438 (2) of the Cr.P.C. and further condition that he will co-operate in the enquiry and shall remain present as and when called by the Police.

(Anil Kumar Sinha, J)

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