

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18024 of 2023

Arising Out of PS. Case No.-80 Year-2020 Thana- GAYA MUFASIL District- Gaya

SHARWAN KUMAR @ SHARWAN CHAUDHARY @ SHRAWAN
KUMAR SON OF ANANDI CHAUDHARY RESIDENT OF VILLAGE-
BHADEJA, PS- MUFFASIL, DIST- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar, Advocate

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 25-05-2023 Heard the parties.

The petitioner is apprehending arrest in connection with Muffasil P.S. Case No. 80 of 2020 under section 188/34 of the Indian Penal Code and section 3 of Prevention of Damage of Public Property Act.

The prosecution story, in brief, is that in the light of direction of D.M., Gaya, concerned Revenue employee-cum-Circle Inspector of Anabad Sarv Ordinary (Gair Majuria Aaam) land having police station no.320, khata no. 420 was locally inspected with police officials of Mufassil P.S. on 02.03.2020. During inspection, it was found that already process of Encroachment Case No. 03/2019-20 was pending for the said land and construction on the said land was prohibited but the



petitioner and other persons were found involved in the illegal construction on the said land.

It has been contended by the learned counsel for the petitioner that he is owner of the adjoining land and only due to the same, his name has been dragged in the present case.

Learned APP opposes the prayer stating that the petitioner is amongst other who tried to grab the government land.

Considering the nature of allegation as also the fact that the adjoining land belongs to the petitioner as submitted by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of anticipatory bail.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Gaya, in connection with Muffasil P.S. Case No. 80 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Ravi/Kiran

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