

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28698 of 2023

Arising Out of PS. Case No.-640 Year-2022 Thana- MOHANIYA District- Kaimur (Bhabua)

Md. Bhraman Rai @ Md. Brhamar Rai Son Of Late Ram Adhar Rai Resident of Village- Kanhaiya, P.S.- Mohania, Distt- Kaimur (Bhabua), At Present Contractual Head Clerk, Sub Divisional Office, Bhabua, the then Head Clerk, Mohania, Distt- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ajit Kumar , APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

2 14-07-2023 Heard Mr. Kumar Sunil, learned counsel appearing on behalf of the petitioner and Mr. Ajit Kumar, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Mohania P.S. Case No. 640 of 2022 registered for the offence punishable under Section 409 of the Indian Penal Code.

3. As per the allegation, the petitioner being the custodian of the record bearing Encroachment Case No. 04 of 2010-11 was asked to produce the record to enable the informant to file affidavit before the Hon'ble Court in C.W.J.C. No. 18150 of 2021, but the petitioner did not produce the same



and thus, as alleged the record has been misplaced by the petitioner.

4. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is the Head Clerk and he has no concern with the records of the encroachment case which was pending before the Circle Officer, Mohania. The Circle Officer, Mohania just to save his skin has lodged a false case against the petitioner. Petitioner has no criminal antecedent.

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

6. Considering the nature of allegation and the procedure prescribed under Bihar Public Land Encroachment Act that the custodian of the encroachment case is the Circle Officer, petitioner has made out a case to be released on anticipatory 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. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, Kaimur (Bhabua) in connection with Mohania P.S. Case No. 640 of



2022, subject to the condition as laid down under Section 438(2)
of the Cr.P.C.

(Purnendu Singh, J)

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