

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40510 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- CIVIL LINE District- Gaya

MANOJ KUMAR S/o- HARIDWAR SINGH Village- Dihori, Ps- Chandauti
Dist- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-07-2023 Heard the parties.

The petitioner is in custody in connection with Civil Lines P.S. Case No. 257 of 2023 for the offence under Sections 147, 149, 420, 467, 468, 471, 456, 427 and 379 of the Indian Penal Code lodged on 13.04.2023 by the informant, Abhishek Garg.

The prosecution case, in brief, is that one Abhishek Garg, the Revenue Officer, Gaya, on 12/4/2023, received a video and photo from the mobile phone of S.D.M Gaya that somebody was engaged in demolishing the boundary wall of the land of +2 Harunchand High School, Gaya by means of J.C.B. Accordingly, the informant along with S.H.O of Civil Lines P.S Gaya reached to Samir Takiya, Gaya where the soil filling process was being done and part of boundary wall of said



School was found broken. Further, one Mahindra Tractor was found standing there and when the driver of the Tractor was intercepted, he disclosed that somebody was breaking the boundary wall of the school by taking advantage of darkness. In course of enquiry, five tractors reached to the place of occurrence which were loaded with soil and earthen materials and all of them were intercepted and withheld by the prosecution. Thus, the FIR.

It was further alleged that on making enquiry from apprehended persons they disclosed that the land owner is one Rajeev Ranjan Chaudhary and he has entered into agreement with one Jitendra Prasad Singh, Sudhir Singh and Dilip Kumar his friends along with 20-25 unknown persons came making unlawful assembly and with the help of J.C.B, they demolished the boundary wall of Government School.

It was lastly alleged that according to Municipal '*Khatiyar*' the aforesaid land in Mouza- Alamgirpur Thana No. 7 Khesra No. 4580 is entered as '*Gair Majarua Aam, Aahar*' as such the accused persons from unlawful assembly they tried to make unlawful possessions over the Government land. Accordingly, the F.I.R.

It has been contended by the learned counsel for the



petitioner that he was merely a driver of the tractor who was assigned the duty, little realizing that he is moving towards a disputed place. In the process, he was apprehended and is in custody since 14.04.2023 (as stated in paragraph 4 of the petition) and the more he will remain inside the jail, his family will be without any food as he is the only earning member of the family. The last submission is that he do not have any criminal antecedent.

Learned APP opposes the prayer but concedes that he is the driver of the tractor.

Considering the aforesaid facts as also that he has already suffered by being in custody since 14.04.2023 and do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail 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 Civil Lines P.S. Case No. 257 of 2023 subject to the following 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 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;

(iv) 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 application is allowed.

(Rajiv Roy, J)

Jagdish/Kiran/-

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