

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46458 of 2023

Arising Out of PS. Case No.-324 Year-2019 Thana- KHIJARSARAI District- Gaya

1. Deepak Kumar @ Nirmal Kumar, male, aged about 33 years, Son of Chandrika Bhagat Residence of Village - Sayedpur, P.S.- Khizarsarai, District - Gaya, Pin Code - 824233
2. Upendra Malakar, male, aged about 48 years, Son of Baleshwar Bhagat Residence of Village - Sayedpur, P.S.- Khizarsarai, District - Gaya, Pin Code - 824233

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 06-09-2023 Heard Mr. Rohit Mishra, learned counsel appearing on behalf of the petitioners and Mr. Abhay Kumar, learned APP appearing on behalf of the State.

2. The petitioners apprehend their arrest in connection with Khizarsarai P.S. Case No. 324 of 2019 dated 23.11.2019 registered under Sections 447, 427 and 34 of the Indian Penal Code.

3. The prosecution story, in brief, as per written report of the informant is that in Saidpur the Transport Nigam Plot No. 19, Area-0.07 Decimal which is situated in Khizersarai, the unsocial elements damaged the boundary, shade and booking counter.



4. Learned counsel appearing on behalf of the petitioners submits that petitioners are innocent and have been falsely implicated in this case. He further submits that the informant has admitted that in his further statement that transport department office is very old and dilapidated conditions and the accused persons have damaged the same. He further submits that nobody has seen the occurrence and even they did not disclose that who had informed him.

5. Learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners.

6. Considering the nature of allegation made in the F.I.R. as well as the fact that petitioners have claimed title over the Plot No. 19 whereas the allegation is of damaging public property. The dispute can be decided by competent Civil Court. The petitioners have made out a case to be released on pre-arrest bail. The Court below is directed to release the petitioners, above named, on pre-arrest bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Twenty thousand) each with two sureties of the like amount each, to the satisfaction of learned Additional Chief Judicial



Magistrate IVth, Gaya in connection with Khizarsarai P.S. Case
No. 324 of 2019, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

Manish/-
Nilmani/-

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