

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58760 of 2023

Arising Out of PS. Case No.-216 Year-2023 Thana- KUDHNI District- Muzaffarpur

1. Devendra Singh S/O Late Ram Chandra Singh R/O Village- Chajjan Harirai, Ps. Kurhani, Dist. Muzaffarpur, A/P Village- Thatiyan, P.S. Kurhani, Dist. Muzaffarpur
2. Ashok Singh S/O Late Ram Chandra Singh R/O Village- Chajjan Harirai, P.S. Kurhani, Dist. Muzaffarpur, A/P Village- Thatiyan, Ps. Kurhani, Dist. Muzaffarpur
3. Sanjeev Kumar S/O Devendra Singh R/O Village- Chajjan Harirai, Ps. Kurhani, Dist. Muzaffarpur, A/P Village- Thatiyan, Ps. Kurhani, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manindra Kishore Singh, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2023 Heard Mr. Manindra Kishore Singh, learned counsel appearing on behalf of the petitioners and the learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Kurhani P.S. Case No. 216 of 2023, registered for the offences punishable under Sections 353 of the Indian Penal Code and Section 4 of the M.M.D.R. Act, 1957 and Section 56 of Bihar Minerals (Concession & Prevention of Illegal mining Transportation & Storage) amendment Rule, 2021 and Section 3 of Prevention & Damage of Public Property Act, 1984.

3. The petitioners are allegedly obstructed in course of



measurement of the land, which was being done by the Revenue Clerk and the Circle Amin, Kurhani, on the pretext of the pendency of a title suit. It is further alleged that when the State Officials demanded the order of the Civil Court regarding the stay/injunction, they abused and threatened with dire consequences. It is further alleged that earlier also, in course of the measurement, which was taken place in the year 2022, the accused persons were found involved in illegal excavating of soils.

4. Learned counsel appearing on behalf of the petitioners submits that from the narration made in the FIR, it would be evident that save and except the allegation that the petitioners on account of pendency of Title Suit No. 283 of 2022 objected the State Officials, who were forcefully making the measurement of the land, there is no allegation. That apart, the offence under Section 4 of M.M.D.R. Act, 1957 and Section 56 of Bihar Minerals (concession & prevention of illegal mining transportation & storage) amendment Rule, 2021 are concerned, the same is allegedly with regard to an occurrence which is said to have taken place in the year, 2022, which fact also shows the malafide of the informant, Circle Officer Kurhani, Muzaffarpur. He next submitted that the petitioners are men of fair antecedent



and they undertake that they will fully co-operate in the investigation or in the proceedings of the Court.

5. On the other hand, learned counsel for the State opposed the pre-arrest bail application.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the malafide of the informant, who has registered a case with regard to an offence which took place in the year 2022, let the petitioners above named be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, West Muzaffarpur in connection with Kurhani P.S. Case No. 216 of 2023, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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