

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75549 of 2023

Arising Out of PS. Case No.-286 Year-2020 Thana- RAJIVNAGAR District- Patna

Ram Kishore Ray S/O Hardev Ray R/O- Kakariya Purvi, Ps. Kakarahia, Distt.
Muzaffarpur, Bihar

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 11-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Rajeev Nagar P.S. Case No. 286 of 2020 dated 31.08.2020 registered for the offences punishable u/ss 37(b) and 37(c) of the Bihar Prohibition and Excise Act and u/ss 420, 467, 468, 470, 471 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the police arrested the co-accused Shiv Chandar Kumar who disclosed that the said construction work was done by the contractor (petitioner). It is further mentioned that on the acquired land of Bihar State Housing Board, any kind of construction work is prohibited. Despite this fact, the petitioner and the co-accused persons were



doing construction work on the said land on the basis of forged document with the intention to grab the said land of the government causing loss of the Housing Board and government property.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. It is further submitted that the petitioner is a contractor of the said building and the owner of the said land had assured the petitioner that his land is free from the acquisition proceeding. There is no hindrance and objection in executing the construction work. It is further submitted that the petitioner has no concern with the alleged offence. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Patna in



connection with Rajeev Nagar P.S. Case No. 286 of 2020,
subject to conditions as laid down under section 438(2) of the
Code of Criminal Procedure with further condition :-

(i) The petitioner is directed to
remain physically present before the learned Court below on each
and every date, failing which on two consecutive dates without
reasonable cause, the prosecution will be at liberty to move for
cancellation of his bail bond.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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