

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20592 of 2024

Arising Out of PS. Case No.-3 Year-2016 Thana- BETTIAH CITY District- West Champaran

Md Abdul Haque @ Abdul Haque, Son of late Samsul Haque, Resident of
village-Durgabag, Ward No.-32, P.S.-Bettiah Town, Distt.-West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Bettiah Town P.S. Case No.03 of 2016, registered for the alleged offences under Sections 188 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act, however, cognizance has been taken under Sections 188, 504 IPC and Section 3 of the Prevention of Damage to Public Property Act t.

3. As per prosecution case, the petitioner was found constructing house on the government administered land and when forbade, he abused and assaulted the informant.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this



case. The land is in possession of the petitioner and his ancestors from quite long time and the petitioner is appellant in Title Appeal No. 51/1988, which was preferred against the judgment passed in Title Suit No.89 of 1981. In the title suit, the grandfather of the petitioner was the plaintiff. The learned counsel further submits that from the facts of the case, no offence under Section 3 of the Prevention of Damage to Public Property Act is made out and other offences mentioned in the FIR is bailable in nature. The petitioner has got clean antecedent.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the civil nature of dispute and further considering the pendency of title appeal and also considering the possibility of false accusation, let the petitioner, above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, 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-VI, Bettiah, West Champaran, in connection



with Bettiah Town P.S. Case No.03 of 2016, subject to conditions mentioned in Section 438(2) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

V.K.Pandey/-

(Arun Kumar Jha, J)

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