

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57203 of 2024

Arising Out of PS. Case No.-354 Year-2024 Thana- RAJIVNAGAR District- Patna

Gautam Kumar Son of Sri Kapil Ray R/v- Mica Colony, Digha, P.S.- Digha,
Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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

ORAL ORDER

3 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Rajeev Nagar P.S Case No. 354/2024 dated 20.06.2024 registered for the offence punishable u/s 188, 406, 420, 327 and 120B read with 34 of the Indian Penal Code and Section 3 of the Prevention of Damage to Public Property Act.

3. As per the prosecution case, when the informant was on patrolling, he found that centering work was being done on 2 *kattha* land acquired by the Housing Board, west of the Judge's house, adjacent to the south of the 90 feet road. On seeing police, the labourers and contractors working there fled



away. On inquiry, it was found that the said construction work was being done by the petitioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Learned counsel has submitted that neither the soil nor the centering instruments were recovered from the place of occurrence. The petitioner has no concern with the alleged occurrence. The petitioner has two antecedents which are related to similar nature of offence as stated in para 3 of the bail petition. The petitioner is in custody since 22.06.2024.

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

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Patna in connection with Rajeev Nagar P.S Case No. 354/2024, with the conditions ;-

(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 bail bond of the petitioner is liable to be cancelled

(ii). If the petitioner is found involved in similar nature of offence in the future, 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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