

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59431 of 2024**

Arising Out of PS. Case No.-142 Year-2021 Thana- KHUTAUNA District- Madhubani

Dharmendra Goit, aged about 56 years, Male, son of Maheshwar Prasad Goit,  
Resident of Village- Parsahi, Ward No 05, PO- Parsahi, Sirsia P.S. -Khutauna,  
District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH**  
**ORAL ORDER**

2      29-11-2024                                      Heard Mr. Shivnandan Bharti, learned counsel  
  
appearing on behalf of the petitioner and Mr. Prem Kumar Jha,  
  
learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection  
with Khutauna P.S. Case No. 142 of 2021 / G.R. No. - 1761 of  
2021 registered for the offence punishable under Sections 341,  
323, 379, 186, 188, 353, 34 of the Indian Penal Code and  
Section 3/4 of the Prevention of Damage of Public Property Act,  
1984.

3. As per the allegation made in the FIR, the accused  
persons named therein along with other, had illegally excavated  
soil from the canal. FIR has been lodged by a government  
official.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner has been dragged in a false case due to dirty village politics. Petitioner is not named in the F.I.R. and he has been implicated in the present case merely on the basis of suspicion. Other co-accused, namely, Satya Narayan Tanti @ Satya Narayan Das, who was also not named in the FIR, has already been released on pre-arrest bail by this Court vide order dated 18.01.2024 passed in Criminal Miscellaneous No. 84203 of 2023. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the nature of allegation made in the FIR, as well as, the fact that petitioner is not named in the FIR, on mere suspicion, the petitioner has been dragged in the present case and other co-accused, namely, Satya Narayan Tanti @ Satya Narayan Das, who was also not named in the FIR, has already been released on pre-arrest bail by this Court vide order dated 18.01.2024 passed in Criminal Miscellaneous No. 84203 of 2023. I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The petitioner, above named, is directed to be



released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jhanjharpur, Madhubani or its Successor Court, in connection with Khutauna P.S. Case No. 142 of 2021 / G.R. No. - 1761 of 2021, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

**8. The Court below is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.**

**(Purnendu Singh, J)**

Niraj/-

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