

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72359 of 2023

Arising Out of PS. Case No.-36 Year-2023 Thana- LALIT NARAYAN UNIVERSITY
District- Darbhanga

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1. SHAMBHU JHA @ S. JHA SON OF LATE SUDARSHAN JHA R/O MOHALLA- LAKSHMISAGAR, BANKERS COLONY, P.S.- SADAR, DIST.- DARBHANGA
 2. MUKESH KUMAR SON OF RAMESH YADAV R/O VILLAGE- GADHIA, P.S.- SADAR, DIST.- DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parwej Khan, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Lalit Narayan Mithila University P.S. Case No. 36 of 2023 dated 08.02.2023 instituted for the offence punishable under Sections 353, 506 & 427 of the IPC.

3. As per prosecution case, some unknown miscreants, allegedly, on 08.02.2023 demolished the poultry farm situated in the campus of District Animal Husbandry Office, Lakshminagar by JCB machine. It is further alleged that the miscreants were dumping soil in the said campus without any permission and when they were stopped to do so, they



misbehaved with the night guard.

4. Learned counsel for the petitioners submits that the petitioner no.1 is the owner while petitioner no.2 is the driver of the said JCB Machine. It is further submitted that from perusal of seizure list, it appears that the name of place of seizure, fromwhere the JCB Machine has been seized, is not mentioned in the seizure list. It is next submitted that as per FIR dumping of soil in the campus was continuing for a month by the unknown persons but no any complaint was made by the department or by the informant to any of the authority. It is also submitted that seized JCB Machine was passing through the road/way near the alleged campus and the informant ordered to stop the JCB Machine deliberately and told the driver to call his owner whereupon, some hot talks took place and the driver had gone to call the owner, in the meantime, the JCB Machine was seized. It is also submitted that no cogent material against the petitioners has been collected during investigation. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in



the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Lalit Narayan Mithila University P.S. Case No. 36 of 2023, they will be released on anticipatory bail 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 Judicial Magistrate 1st Class, Darbhanga subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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