

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79027 of 2024

Arising Out of PS. Case No.-173 Year-2024 Thana- BUNIYAD GANJ District- Gaya

1. Kamlesh Prasad S/O Naresh Prasad R/O vill.- Khanjhapur P.S.- Buniyadganj, Dist.- Gaya
2. Sanjeet Kumar S /O Govind Yadav @ Karu Yadav R/O vill.- Kukiyaasin P.S.- Buniyadganj, Dist.- Gaya
3. Vikram Yadav @ Baggar Yadav S/O Ramroop Yadav R/O vill.- Kukiyaasin P.S.- Buniyadganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kunal Tiwary, Advocate
For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 05-12-2024 1. Heard learned Counsel for the petitioners and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Buniyadganj PS case no. 173 of 2024, disclosing offences punishable under Section 303(2) and other allied sections of the B.N.S. Act, 2023.
3. The prosecution story, as per the First Information Report, is that the informant got information that petitioner no. 1, with the help of Tractor and J.C.B., was filling the chart of drainage system near his land causing obstruction in the Government scheme namely Jal Jiwan



Harihali Scheme.

4. Learned Counsel for the petitioners submits that petitioners are made accused on the basis of report of Circle Officer. Learned counsel further submits that the petitioners were not indulged in filling of drainage system rather the agricultural field is situated adjacent to the drain near the chart and petitioner no. 1 had brought the soil on tractor for filling his land and some portion of the soil came towards the drainage, as such, the same was not intentional on the part of the petitioners.

5. Regard being had to the submissions made on behalf of the parties and taking into consideration the nature of allegation, I am inclined to grant the privilege of anticipatory bail to the petitioners, subject to the condition that petitioners will not repeat the offence in future.

6. This application is, accordingly, allowed.

7. Let petitioners, abovenamed, in the event of their arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st class, Gaya in connection with Buniyadganj PS case no. 173 of



2024, subject to the condition laid down under Section
438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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