

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27283 of 2025

Arising Out of PS. Case No.-744 Year-2024 Thana- RAJIVNAGAR District- Patna

Himansu Chaudhary Son Of Bhavesh Chandra Chaudhari R/O- Chandra Bihar Colony, Ashiana Nagar, P.S. -Rajeev Nagar , Patna 800025

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dayanand Singh, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-05-2025 Heard Mr. Dayanand Singh, learned counsel for the
petitioner and Mr. Narsingh Tanti, learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rajeev Nagar P.S. Case No.744 of 2024 for the offence under sections 223, 316(2), 318(4), 119(1), 61(2), 3(5) of the BNS, lodged on 07.12.2024 by the informant, Mr. Vijay Kumar.

3. As per the prosecution story, the informant, officials of Housing Board, alleged that having found construction on the Jai Maa Kali Road, Rajeev Nagar went there. The workers escaped and upon enquiry it came to knowledge that it is being construction by this petitioner. This led to the FIR.

4. Learned counsel for the petitioner submits that he owns the land, it is in the name of his wife, he is also paying



receipt rent and the receipt of Patna Municipal Corporation as has been attached at Annexure-P/2. His submission is that only to harass the common citizen, the Housing Board is lodging FIR against them.

5. Learned APP opposes the prayer submitting that the Housing Board has found illegal construction on the land.

6. Taking into account the submissions of the parties as also that the allegation is there, in the earlier order also this Court has turned the needle of suspicion on the Housing Board officials who are deliberately allowing number of constructions going on there, selectively picking up persons and lodging FIR against them, in this particular case the land is in the name of lady, the petitioner is husband, contention is that he is paying rent receipt, FIR is there, he shall be facing the music , in that background, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Patna in connection with Rajeev Nagar P.S. Case No.744 of



2024 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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