

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24590 of 2025

Arising Out of PS. Case No.-86 Year-2025 Thana- RAJIVNAGAR District- Patna

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1. Pintu Kumar son of Sri Kanhai Resident of Jaiprakash Nagar Shivmandir Road PO- Ashiyananagar, PS- Rajiv Nagar, District -Patna
 2. Mukesh Kumar Son of Ram Kumar Ray village- Bhikhanpur, Po- Bikhanpur Kothi, Ps- Akhiyapur, Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deepak Kumar Singh, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

8 05-05-2025 Heard Mr. Deepak Kumar Singh, learned counsel for

the petitioners and the State.

2. The petitioners are apprehending arrest in connection with Rajeev Nagar P.S. Case No. 86 of 2025 instituted under Sections 223, 316(2), 318(4), 119(1),61(2), 3(5) of BNS and 3 of Damage to Public Property Act lodged on 04.02.2025 by the informant, Vijay Kumar.

3. As per the prosecution story, the informant alleged that the Housing Board Officials during the course of inspection found some people carrying out construction work on its land.



On enquiry, they gave the names of the contractors which include these petitioners. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are labourers where hired to construct the said block, hardly had any knowledge about it, if granted bail, they shall abide by the terms and conditions.

5. Learned APP opposes the prayer stating that they have criminal antecedent of the same nature.

6. Though considering the fact that they have criminal antecedent of the same nature, their contention that they are labourers cannot be accepted, the Housing Board too cannot exonerate itself from the responsibility inasmuch as under its nose, number of constructions are being done at the said place and it is high time that the needle of suspicion should move towards the Housing Board officials who are deliberately and knowingly allow the constructions to go on at number of sites. The FIR being lodged, the petitioners will face the music, this Court is inclined to extend them the privilege of anticipatory bail.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing



bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Rajeev Nagar P.S. Case No. 86 of 2025 to the satisfaction of learned A.C.J.M.-II, Patna subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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;



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

(Rajiv Roy, J)

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