

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39355 of 2025

Arising Out of PS. Case No.-99 Year-2025 Thana- RAJIVNAGAR District- Patna

Mala Rai S/O Jagat Rai Mohalla -Chandravihar Colony, Police Station- Rajiv
Nagar, District- Patna

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hridayal Kumar

For the Opposite Party/s : Mr.Umanath Mishra

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-07-2025 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Rajiv Nagar P.S. Case No. 99 of 2025 dated 10.02.2025 registered under Section 223, 316(2), 318(4), 119(1), 61(2) & 3(5) of the Braratiya Nyaya Sanhita, 2023 and Section 3 of the Public Property Damage (Prevention) Act, 1984.

3. As per the F.I.R. on 10.02.2025 at around 11:45 when the inspection team of Housing Board with Police officials were inspecting the land of the Housing Board then at Chandra Vihar Colony, Road No. 02 they found that 20 Katha of land identified for R.E.R.A. was being filled with soil in clandestinely manner at night. Upon enquiry from the nearby persons they came to know that on the said plot of 20 Katha land, soil is being filled by the petitioner along with the co-accused Arvind Kumar, Guru



Dayal Kumar, Hari Singh and other unknown persons.

4. Learned counsel for the petitioner submits that informant is not an eye witness to the occurrence and he did not see the person who has filled soil on the land in question. He further submits that informant has not disclosed or mentioned the description of land i.e. Khata No., Khesra No. etc. on which soil has been filled. He next submits that the petitioner is neither the land owner nor the contractor or labour and he is merely a labour supplier. He also submits that even taking the F.I.R. on its face value no offence under Section 119(1) of the B.N.S. by any stretch of imagination is made out as there is no accusation of causing hurt.

5. Regard being had to the submissions made by the parties, taking into consideration the fact that the petitioner has 17 criminal antecedents and he is a habitual offender, I am not inclined to grant anticipatory bail. The application stands rejected.

(Anil Kumar Sinha, J)

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