

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24054 of 2025

Arising Out of PS. Case No.-18 Year-2025 Thana- Chitragupta Nagar District- Khagaria

Abhay Kumar @ Abhay Kumar Guddu S/O Vijay Kumar Yadav Resident of
village- Khutia, P.S.- Mansi, Distt.- Khagaria. Petitioner/s
Versus

The State of Bihar. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikramadit, Advocate
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 07-01-2026 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor appearing

on behalf of the State.

2. D.M., Khagaria and S.P., Khagaria connected

virtually to assist this Court.

3. The accused/petitioner apprehending his arrest in

connection with Chitraguptanagar P.S. Case No. 18 of 2025

registered for the offences punishable under Sections 111(2)

(b), 111(3), 336(4), 308(2), 351, 234, 229(2), 356, 221,

352, 61(2), 3(5) of BNS and 67 I.T. Act.

4. As per FIR, the petitioner was caretaker/guard of

Awadh Bihari Sanskrit College, Khagaria and he was given

charge to collect revenue of the land in possession of college

and further to deposit the same with government authority. It



is alleged that the revenue which is due for a sum of Rs. 15,36,000/- was not deposited by this petitioner. It is alleged that about thousand acres of land was encroached by aforesaid college.

5. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner was not the responsible for the affairs of the Awadh Bihari Sanskrit College as he was just a guard/caretaker. It is submitted that even from FIR, it appears that the principal of the college visited the land with petitioner which was alleged to encroached by the college. It is pointed out that not even a single piece of land was said to be encroached by this petitioner in personal capacity. It is further pointed out that as petitioner failed to deposit Rs. 15,36,000/- with revenue authority as he could not collect the same, he was dismissed from the service.

6. Arguing further, it is submitted by learned counsel that petitioner is named accused in one more criminal case i.e. Muffasil P.S. Case No. 25/25 dated 10.02.2025, except that no criminal case is pending against him, which is duly mentioned in paragraph-3 of the present bail petition,



and in view of same, the allegation of organized crime as raised against petitioner appears not legally convincing as “for continuing unlawful activity” more than one charge-sheet must be filed before a competent court within a preceding period of ten years and that court has taken cognizance of such offence.

7. Learned APP while opposing the prayer of bail submitted that this petitioner defame the informant of this case for his official act by using social media platform. However, learned APP conceded that this petitioner was guard/caretaker of Awadh Bihari Sanskrit College, Khagaria.

8. In view of aforesaid factual submissions and by taking note of fact as admittedly this petitioner was guard of the college having no concerned with its administrative decisions and the land alleged to be encroached was said to be in possession of college, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like



amount each to the satisfaction of the learned Sessions Judge, Khagaria/concerned Court, where the case is pending in connection with Chitraguptanagar P.S. Case No. 18 of 2025 subject to the conditions as laid down under Section 482(2) of the BNSS.

9. The presence of D.M., Khagaria and S.P., Khagaria of this case are dispensed with, who appeared virtually.

(Chandra Shekhar Jha, J)

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