

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70227 of 2025

Arising Out of PS. Case No.-177 Year-2025 Thana- KARAHGAR District- Rohtas

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Dharmendra Kumar Himanshu (Male), aged about 40 years, son of Ram Suresh Paswan, resident of Village- Garvey, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sadanand Roy, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 24-02-2026 Heard Mr. Sadanand Roy, learned counsel appearing on behalf of the petitioner and Mr. Sanjay Kumar Singh, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Kargahar P.S. Case No. 177 of 2025, registered for the offence punishable under Sections 420, 467 and 468 of the Indian Penal Code.

3. As per the allegation made in the FIR, which has been lodged on the basis of oral direction of the District Magistrate-cum-Collector before whom a complaint was made by a local village namely, Lalji Paswan, that petitioner has established a small unit of manufacturing fodders under *Mukhya Mantri Udyami Yojana* on the government land.

4. Learned counsel appearing on behalf of the



petitioner submitted that petitioner is innocent and he has falsely been implicated in the present case. Petitioner has established a small industry of manufacturing fodder in accordance with the Mukhya Mantri Udyami Yojana. He further submitted that nowhere it has been mentioned in the terms and conditions of the said Yojana that the land on which the industry is to be established, must be a raiyati land. He further submitted that the land over which the petitioner had constructed the unit is recorded in revenue record as '*Gair Majarua Malik*' and the Circle Officer, without considering the said fact, on the basis of the oral direction of the District Magistrate-cum-Collector, has initiated Encroachment Case No. 28/22-23 and has reported that he has removed the alleged illegal construction over the alleged government land. Thereafter, the petitioner was forced to file Title Suit No. 2067 of 2022 before the learned Munsif, Sasaram. He further submitted that the title is in question and before the same having been decided, the allegation against the petitioner that he has violated the terms and conditions of the Yojana is not attracted. He further submitted that complaint was made by one Laljit Paswan with whom the petitioner is on inimical terms and three cases between the parties are pending before the competent Court. On these grounds, petitioner seeks to be



released on pre-arrest bail.

5. *Per contra*, learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties and the petitioner claims that the terms and conditions of the *Mukhya Mantri Udyami Yojana* under which the petitioner has established his small industrial unit of manufacturing fodder, don't specify that the industrial unit should be established on *raiya* land, though, the information which has come in course of investigation, that the land has been recorded as *Gair Majarua Malik* and the petitioner in this regard has already filed Title Suit No. 2067 of 2022 before the learned Munsif, Sasaram, I am of the opinion that petitioner has, *prima facie*, made out a case to be released on pre-arrest bail also for the reason that the objective of *Mukhya Mantri Udyami Yojana* must be carried on and fulfilled.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District Court where the



case is pending, in connection with Kargahar P.S. Case No. 177 of 2025, subject to the condition as laid down under Section 482(2) of the BNSS.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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