

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57071 of 2015

Arising Out of PS.Case No. -245 Year- 2015 Thana -RAJAULI District- NAWADA

=====

Pappu Yadav son of Sri Kedar Yadav, Resident of village- Chautha, P.S.-
Rajauli, Distt.- Nawada

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Nikesh Kumar

For the Opposite Party/s : Mr. Pronati Singh(App)

=====

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

4 12-02-2016 Heard learned counsel for the petitioner and learned
A.P.P. representing the State.

The petitioner seeks bail in connection with Rajauli
P.S. Case No. 245 of 2015 registered for the offences punishable
under Sections 147, 148, 149, 323, 324, 332, 307, 353, 379, 511,
504 of the Indian Penal Code and Rules 3, 4 and 5 of Bihar Minor
Mineral Concession Rules, 1972.

Allegedly, acting on a tip off that some persons were
carrying sand by tractor illegally to Rajauli, the informant and
other police personnel started checking and then the petitioner and
other co-accused were found sitting on tractor loaded with sand
and after getting signal to stop, did not stop and started assaulting
the informant and other police personnel by *belcha* and spade and

further tried to snatch the rifle and thereafter co-accused Sadhu Yadav @ Gautam Kumar, Mukesh Kumar @ Mukesh Don and their family members started assaulting the police personnel with *lathi* resulting the informant and constables Mithilesh Kumar and Manish Kumar Bharti received injury and became un-conscious and further the petitioner also sustained injury in the occurrence.

Submission is of false implication and that the petitioner was coming on the tractor, loaded with sand, which was lifted under proper challan and the challan was shown to the informant and other police personnel but they started demanding bribe and on refusal, they assaulted the petitioner, resulting the family members reached there and they opposed the action of the informant and other police personnel and further the family members assaulted them, the petitioner has filed complaint case bearing C.R. No. 6963 of 2015 against the police officials, no offence under Rules 3, 4 and 5 of Bihar Minor Mineral Concession Rules, 1972 is made out and, as such, the petitioner who is suffering in custody since 01.10.2015, deserves sympathetic consideration as chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence.

The learned A.P.P. opposes the prayer of bail.

In the facts and circumstances stated above, considering that the petitioner has also received injury and by remaining in custody at this stage has been sufficiently penalized and, as such, the petitioner, above named, is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Nawada arising out of Rajauli P.S. Case No. 245 of 2015 subject to the conditions that one of the bailors must be near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

sushma/-

U		T	
---	--	---	--