

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26300 of 2020

Arising Out of PS. Case No.-10 Year-2020 Thana- BANKA District- Banka

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1. SHARAD YADAV Son of Ashok Yadav Resident of Village- Majlishpur, P.S. and District- Banka.
 2. Kamal Yadav Son of Late Sikandar Yadav Resident of Village- Majlishpur, P.S. and District- Banka.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha

For the Opposite Party/s : Mr. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-10-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and Shri Anita Kumari Singh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Banka P.S. Case No. 10 of 2020 for the offence registered under Sections 147, 149, 323, 307, 504 and 506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosive Substance Act.

The case of the prosecution in brief, according to the



informant, who is working with Mahadev Enclave Private Limited is that on the alleged date and time of occurrence all the accused persons including the petitioners herein had loaded sand illegally on their tractors and were going towards Dhaka More and when the informant had tried to stop them, they had abused him and had fired in the air from their pistol, as well as threatened to kill the informant.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and are having clean antecedent. It is further submitted that admittedly nobody has been injured in the alleged occurrence and there is no injury report on the record, hence a false story has been cooked up to implicate the petitioners herein in the alleged occurrence with oblique motive. It is further submitted that similarly situated co-accused persons have already been granted anticipatory bail by a coordinate Bench of this Court vide order dated 17.07.2020 passed in Criminal Misc. No. 18070 of 2020.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for



the petitioners and taking into account the parity of the case of the petitioners with that of the co-accused persons who have already been granted bail by a coordinate Bench of this Court, apart from the fact that the petitioners are having clean antecedent and a general and omnibus allegation has been levelled as against them, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Banka in connection with Banka P.S. Case No. 10 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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