

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9831 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- TANKUPPA District- Gaya

1. PRADIP YADAV S/o Vijay Yadav R/o village- Bartara, P.S.- Tankuppa, District- Gaya
2. Sakaldeep Yadav @ Sakaldip Kumar S/o Vijay Yadav R/o village- Bartara, P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 10451 of 2022

Arising Out of PS. Case No.-99 Year-2021 Thana- TANKUPPA District- Gaya

1. SATENDRA YADAV S/o Kesho Yadav @ Keshwar Yadav R/o village- Bartara, P.S.- Tankuppa, District- Gaya
2. Pankaj Kumar S/o Satendra Yadav R/o village- Bartara, P.S.- Tankuppa, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 9831 of 2022)

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Md. Fahimuddin

(In CRIMINAL MISCELLANEOUS No. 10451 of 2022)

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 06-07-2022 Let the defect(s), as pointed out by the office, be removed within a period of four weeks from today.

Heard learned counsel for the petitioners and learned A.P.P. for the State.



The petitioners seek bail in connection with Tankuppa P.S. Case No. 99 of 2021 registered for the offences punishable under Sections 147, 148, 149, 188, 341, 342, 323, 326, 307, 333, 337, 353, 506 and 427 of the Indian Penal Code and section 9 of the Control of the use and play of Loudspeaker Act, Bihar.

As per prosecution case, the informant stated that on 06.11.2021 at about 5pm, while on duty, he alongwith other police personnel reached Bartara Bazar. There they saw a Tata Magic and trolley upon which several persons smelling like alcohol were sitting and playing loud music. The informant seized the DJ and Tata Magic and when he reached at Tankuppa Barta more Dharmendra Singh and about 100 persons assembled and started pelting bricks. The informant disclosed the name of petitioner and others. It is further alleged that when he proceeded towards police station then 6 to 7 accused persons came and made scuffle from him and started firing which hit on his leg.

Learned counsel for the petitioners submits that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. He further submits that petitioners are in custody since 08.11.2021.



Petitioners bear no criminal antecedent. He also submitted that there is no specific allegation against the petitioners. The petitioners were not apprehended on the spot neither they are involved in any manner in the present case. The name of petitioners have been told by local Chaukidar. They have been apprehended only on the basis of suspicion. Charge sheet has been submitted in the case and there is no likelihood of tampering the evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case as well as period of custody and keeping in view clean antecedent of petitioners, charge sheet has already been submitted, petitioners were not apprehended on the spot and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate- 1st Gaya, in connection with Tankuppa P.S. Case No. 99 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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