

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16802 of 2022

Arising Out of PS. Case No.-40 Year-2021 Thana- PARAIYA District- Gaya

VIJAY YADAV @ VIJAY KUMAR Son of Indradev Yadav Resident of Village- Maranchi, Police Station- Paraiya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No2

For the Opposite Party/s : Mr. Atul Chandra

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 14-07-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Paraiya P.S. Case No. 40 of 2021, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307 and 353 of the IPC and Section 27 of the Arms Act.

As per allegation, on a secret information that tractor drivers are fighting amongst each other in regard to mining of sand, the police went on the spot. The drivers after seeing the police personnel, fled away. Thereafter, more than 100 persons came there and started pelting stones on the police, due to which the police personnel sus-



tained injuries. Allegation of firing is also there.

The learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that the allegation against the petitioner is general and omnibus in nature. He further submits that ingredients of Section 307 IPC are not attracted in the alleged facts and circumstances. It has further been submitted that petitioner is in custody since 31.12.2021, i.e., for about eight months.

It is also stated in paragraph no. 2 of the petition that the petitioner has earlier moved for grant of his anticipatory bail vide Cr. Misc. No. 41684 of 2021.

It is further stated in paragraph 3 of the petition that the petitioner has been made accused in three more cases, namely, Paraiya P.S. Case No. 46 of 2017; Paraiya P.S. Case No. 03 of 2019; and Paraiya P.S. Case No. 239 of 2020.

However, the learned APP for the State has opposed the prayer for bail.

Considering the facts and circumstances, the peti-



tioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sri Vijayant Singh, learned Judicial Magistrate- 1st Class, Gaya in connection with Paraiya P.S. Case No.- 40 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the



bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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