

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32097 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BARAHAT District- Banka

PRAMOD YADAV @ PRAMOD KUMAR YADAV Son of Shyam Sundar
Yadav Resident of Village - Mirjapur, P.S. Barahat, 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.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 26-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Petitioner seeks regular bail in a case registered for the
offences punishable under Sections 307, 353, 506 and other allied
sections of the Indian Penal Code.

As per allegation on getting secret information that
accused persons are mining of sand illegally, the police conducted a
raid, seeing the police driver and owner of the vehicles managed to
escape, one accused person was caught who disclosed his name as
Pritam Yadav and in order to save said Pritam Yadav, accused
persons assembled unlawful assembly and pelted stone on the police
party as a result of which one police officer became injured.

The main submissions advanced by Sri Sanjay Kumar Jha,
the learned counsel appearing for the petitioner are that petitioner is



stated to be member of unlawful assembly and he was not arrested at the spot and his name surfaced in the statement of co-accused Pritam Yadav who was arrested at the spot, several persons have been made accused in this case and against the petitioner there is no specific allegation and he has got clean antecedent and has been languishing in jail since 01.02.2022.

Sri Chandra Sen Prasad Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides and perused the FIR. There is no specific allegation against the petitioner, he is stated to be member of unlawful assembly and he was not arrested at the spot and his name surfaced in the statement of co-accused Pritam Yadav who was arrested at the spot and as per main allegation accused persons are involved in mining of sand illegally and when loaded tractor with trolley was caught and the same was being brought to the police station then accused persons attacked on the police party after having formed unlawful assembly and pelted stones at the police personnel which caused injury on the police personnel and one police officer sustained head injury in the occurrence, several persons have been made accused in this case and the petitioner has been languishing in jail since 01.02.2022 having clean antecedent.

Considering these facts as well as nature of the allegation appearing against the petitioner from FIR, in the opinion of this court, a lenient approach can be taken in respect of the petitioner. Let



the petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Banka in Barahat P.S Case No. 28 of 2022 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) One of the bailers shall be close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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