

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34645 of 2022

Arising Out of PS. Case No.-71 Year-2022 Thana- DELHA District- Gaya

Banti Yadav @ Rohit Raj, S/o Sri Ram Chandra Yadav R/o Mohalla- Darki
Delha, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra Jha, Advocate

For the Opposite Party/s : Mr.Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Delha P.S. Case No. 71 of 2022 registered for the alleged offences under Sections 147, 148, 323, 353 and 504 of the Indian Penal Code.

As per prosecution case, the informant received secret information about the presence of members of mining mafia taking away stone chips on truck. The truck was intercepted and stone chips were found loaded on it. The petitioner and cleaner of the truck were apprehended when they did not furnish any challan for the consignment. The informant has further alleged that thereafter this



petitioner along with 7-8 unknown persons reached there and started arguing with the informant and assaulted the police party and freed the driver and cleaner and tried to run away with truck. When the informant tried to stop the truck, the miscreants tried to snatch his service pistol and also tried to run him over by the truck.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The prosecution story is not believable that in presence of the police party, the petitioner and other accused persons freed away the driver and cleaner as well as truck from the custody of the informant. Learned counsel further submits that the petitioner is shopkeeper of building material and the informant was making illegal demand from him which he did not meet. The petitioner has sold bags of cement through proper challan and this consignment was loaded on the truck which was intercepted. The altercation took place due to this fact as the informant has illegally detained the truck. Charge sheet has been submitted in this case and the petitioner is in custody since 09.05.2022.

Learned APP for the State opposes the prayer for bail of the petitioner submitting that petitioner is having criminal antecedent and he is accused in two other cases.

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the period of custody of the petitioner along with submission of charge sheet,



the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Delha P.S. Case No. 71 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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