

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36429 of 2022

Arising Out of PS. Case No.-48 Year-2021 Thana- PAKARIBARAW District- Nawada

Dhandeo Yadav@ Dhandev Kumar, Son of Chandrika Yadav, Resident of
Village-Shanti Nagar, Pakaribarawan, P.S.-Pakaribarawan, District-Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Pakaribarawan P.S. Case No. 48 of 2021 registered for the alleged offences under Sections 147, 148, 149, 332, 333, 353, 307, 427 and 188 of the Indian Penal Code and Sections 37(C)/45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that while taking out procession for immersion of idols of Goddess Saraswati, 40-50 persons blocked the road and when the police party asked them



to expedite the possession and immerse the idols, petitioner and other named co-accused persons along with 20-22 unknown persons assaulted the police party with *lathi, danda* and resorted to brick-batting and three of the co-accused persons were apprehended from the spot.

The learned counsel for the petitioner submits that the petitioner is innocent and has has been falsely implicated in this case. The petitioner was not apprehended from the spot and he was not even present at the spot. Except for the confessional statement of the co-accused Deepu Kumar, there is nothing against this petitioner. There is no specific allegation against this petitioner for making attempt on life of any person. It is also wrong to allege that the petitioner was in drunken condition. Further he was not arrested from the spot. The co-accused, who named the petitioner, has been granted bail by a Co-ordinate Bench vide order dated 27.08.2021 passed in Cr. Misc. No. 31781 of 2021. Charge sheet has been submitted in this case and the petitioner is in custody since 12.06.2022 and is having clean antecedent.

Learned APP opposes the prayer for bail submitting that the petitioner and other co-accused persons attacked the police party and caused injuries to a number of police



personnel.

Having regard to the submissions made hereinabove and considering the general and non-specific nature of the allegation, coupled with the fact that charge-sheet has been submitted and petitioner is in custody since 12.06.2022, 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 Exclusive Special Excise Judge-I Nawada in connection with Pakaribarawan P.S. Case No. 48 of 2021, subject to 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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