

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47840 of 2022

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

PARAS KUMAR @ PARAS KUMAR YADAV SON OF NARESH YADAV
Resident of Village - Mirjapur, P.s.- Barahat, Distt.- Banka.

.. ... Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Adv.

For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-12-2022 Heard the learned counsel for the petitioner
and the learned APP for the State, Sri Shantanu
Kumar.

The petitioner seeks regular bail in connection with Barahat P.S. Case No. 28 of 2022, registered for the offence punishable under Sections 147, 148, 149, 323, 332, 333, 353, 307 and 506 of the Indian Penal Code.

The case of the prosecution, in brief, is that on the alleged date and time of occurrence, the police had conducted a raid near Punsuya Chowk and had intercepted a tractor carrying sand, however, the driver and owner of the said tractor had managed to flee away from the spot. Subsequently, one miscreant had arrived there



and had tried to take away the tractor, but the police succeeded in apprehending him. It is further alleged that thereafter, several people came on the spot to save the said co-accused person, namely, Pritam Yadav, and surrounded the informant and other police personnel, whereupon they started pelting stones and in the meantime, the said co-accused person, namely, Pritam Yadav, gave a lathi blow on the head of the SDPO, causing injury upon him. It is also the case of the informant that after sometime all the accused persons fled away, however, they could not free the said Pritam Yadav and then, the said Pritam Yadav was interrogated by the police, who disclosed the name of the petitioner and 15 other co-accused persons, who had managed to flee away from the spot.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and he is languishing in custody since 18.4.2022. The learned counsel for the petitioner has further



submitted that though the petitioner is an accused in one other case, but he is on bail in the said case. It is further submitted that the petitioner has been implicated in the present case only on the basis of the statement of the co-accused person, namely, Pritam Yadav and there is no other evidence to corroborate his presence at the scene of crime, hence, the petitioner be granted the privilege of bail. It is also submitted that some of the co-accused persons have already been granted bail by co-ordinate Benches of this Court, vide order dated 9.9.2022, passed in Criminal Miscellaneous No. 34036 of 2022 and vide order dated 16.11.2022, passed in Criminal Miscellaneous No. 41570 of 2022.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials



available on record as also considering the fact that the name of the petitioner has transpired in the present case, upon disclosure made by the apprehended co-accused person, namely, Pritam Yadav, apart from the fact that similarly situated co-accused persons have already been granted bail by coordinate Benches of this Court, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate / Successor Court, Banka in connection with Barahat P.S. Case No. 28 of 2022.

(Mohit Kumar Shah, J)

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