

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50889 of 2022

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

RAM SHARAN CHAUDHARY, Male, Aged about – 33 years, S/O- Jagadambi Chaudhari, Resident of Village – Mirzapur, P.S- Barahat, Dist- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 52828 of 2022

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

GUNJAN YADAV, aged about – 35 years, Gender- Male, Son of – Satto Yadav @ Satyendra Yadav, Resident of Village – Mirzapur, P.S.- Barachatti, District – Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 50889 of 2022)

For the Petitioner/s : Mr.Vibhakar Kumar

For the Opposite Party/s : Mr.Ajit Kumar

(In CRIMINAL MISCELLANEOUS No. 52828 of 2022)

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-12-2022 Heard Mr. Vibhakar Kumar and Mr. Pawan Kumar Singh, learned counsel appearing for the petitioners in Cr. Misc. Nos. 50889 / 2022 & 52828 / 2022 respectively through video



conferencing.

Since both the cases arise out of the common F.I.R.,
as such, both are being taken up together.

Petitioners seeks regular bail in connection with
Barahat P.S. Case No. 28 of 2022 registered under Sections
147 / 148 / 149 / 323 / 332 / 333 / 353 / 307 / 506 of the Indian
Penal Code.

As per the First Information Report, police party
seized some tractors carrying illegal sand and in the meanwhile
some miscreants arrived and tried to take away the seized
tractors from the custody of the police , however, police party
apprehended one person namely, Pritam Yadav. It has further
been alleged that subsequently one Golu @ Suman Kumar and
other accused persons arrived therein and surrounded police
party and started pelting stones upon them and Pritam Yadav
gave *lathi* blow on the head of the S.D.P.O., Banka causing
injury. Pritam Yadav disclosed the name of the petitioner and
others unknown person.

In the first case (i.e. Cr. Misc. No. 50889 / 2022) ,
learned counsel for the petitioner submits that petitioner is not
named in the F.I.R. and in the First Information Report he
comes under the category of 15 unknown persons, who arrived



at the place of occurrence. The name of the petitioner – Ram Sharan Chaudhary has transpired during the course of investigation. Learned counsel further submits that similarly situated accused persons viz Pramod Yadav @ Pramod Kumar Yadav (Cr. Misc. No. 32097 / 2022) , Tipu Kumar (Cr. Misc. No. 34036 / 2022), Bihari Yadav @ Bihari Kumar Yadav (Cr. Misc. No. 42967 / 2022) and Niyaz Ansari @ Md. Niyaz Ansari (Cr. Misc. No. 41570 / 2022) have been granted bail by different Co-ordinate Benches of this Court. Petitioners are in custody since 08.06.2022 and 28/04/2022 respectively and charge sheet has already been submitted.

Regard being had to the submissions made by the parties, taking into consideration the fact that petitioners are in custody since 08-06-2022 and 28-04-2022, similarly situated persons have been granted bail, charge sheet has already been submitted and there is no likelihood that the petitioners will abscond or tamper with the evidence if released on bail, as such, I am inclined to grant regular bail to the petitioners.

Let the petitioners, above named, in both the cases (i.e. Cr. Misc. Nos. 50889 / 2022 & 52828 / 2022) be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) each with two sureties of the like amount each to the



satisfaction of learned Judicial Magistrate, Banka in Cr. Misc. No. 50889 / 2022 and C.J.M. , Banka in Cr. Misc. No. 52828 / 2022 in connection with Barahat P.S. Case No. 28 / 2022 on the condition that the petitioners shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, their bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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