

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57703 of 2022

Arising Out of PS. Case No.-112 Year-2022 Thana- NARDIGANJ District- Nawada

1. DHIRENDRA KUMAR Son of Ram Jatan Prasad @ Ram Chandra Yadav
 2. Rahul Kumar Son of Ram Jatan Prasad @ Ram Jatan Yadav
 3. Rajbalabh Kumar @ Rajbalabh Yadav @ Raj Balabh Prasad Son of Anil Prasad @ Anil Yadav
- All are Resident of Village - Motnage, P.S.- Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 14-12-2022 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147,149,341, 323, 379, 353, 504 of the Indian Penal Code.

The prosecution case, in short, is that on 01.05.2022 the informant alongwith other police forces proceeded in connection with raid against accused persons of Nardiganj P.S.Case No.210 of 2021 they arrived near Madhuban bridge and saw that sand is being loaded illegally on eight to ten tractors in Panchane river, on seeing the police vehicle, they started fleeing away with sand laded tractors but police force



caught two tractor alongwith their drivers and said tractors were without registration number. When the query was being made with the drivers then 30-40 persons after forming unlawful assembly came there and tried to release the tractor and drivers from police custody and the police tried to convince them but they were not ready to convince and not to obstruct the police and they obstructed in due discharge of government duty and they also misbehaved and scuffled with police force. They got succeeded in releasing the said tractors and drivers from police custody. It is also alleged that all the FIR named accused persons including the petitioners were involved in the alleged occurrence.

Learned counsel for the petitioners submits that the petitioners have clean antecedent. They have falsely been implicated in the present case. Further submits that it appears from the FIR that there is general and omnibus allegation against all the accused persons including the petitioners. There is no specific allegation of any assault or overt-act against these petitioners and the petitioners are neither the drivers nor the owners of the tractor in question and the petitioners have no concern at all with the alleged recovery of tractor.

Learned A.P.P. for the State has vehemently opposed



the prayer for bail of the petitioners.

Considering the aforesaid facts, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Nardiganj P.S. Case No. 112 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

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

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their



criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Nitesh/-

U		T	
---	--	---	--

