

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14959 of 2023

Arising Out of PS. Case No.-252 Year-2021 Thana- AWTARNAGAR District- Saran

1. CHANDAN KUMAR S/O FAKIR SINGH
2. ASHUTOSH KUMAR PANDIT S/O SRI RAMBABU PANDIT
3. AJAY KUMAR S/O SURESH SINGH
All are Resident of village- Kante Pirochha, P.S.- Gaighat, District- Muzaffarpur.
4. RAJA KUMAR YADAV @ RAJA KUMAR S/O BUDHU YADAV Resident of Village- Dholi Navtoli, Ward No.- 13, P.S.- Laxmi Nagar, District- Darbhanga.
5. RAJIV KUMAR CHAUDHARY S/O MAHESH CHAUDHARY Resident of village- Ramupra, P.S.- Rampura, District- Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Awatarnagar P.S. Case No. 252 of 2021 instituted under Sections 147, 148, 149, 341, 323, 188, 186, 324, 307, 332, 353, 379, 120(B) of the Indian Penal Code lodged on 06.09.2021 by the informant Arvind Kumar.

As per the prosecution story, On 6.9.2021 at about 18.00 hours while the informant along with other officials were busy to bring 19 Trucks seized with overloaded sand to Police



Station near Haraji More, one empty truck bearing Reg. no. UP52T-6810 came in high speed and dashed a motorcyclist namely Raj Mohan due to which he died on the spot. Thereafter the local people at the instance of local sand-Mafia attacked the raiding party with sticks, bricks and stones causing injuries to S. I. Amitesh Kumar of Garkha P. S.. and Chaukidar Jawed and also looted mobile sets of the said S. I. The local Chaukidar identified all the 32 sand Mafias beside the Driver and 'Khalasi' of seized Trucks among the mob of 500 local people. Accordingly the FIR.

Learned counsel for the petitioners submit that number of peoples have been rounded of and implicated in this case. He has further drawn attention of this Court to Annexure-3 Series to show that similar situate persons have been granted the privilege of anticipatory bail by a coordinate bench.

Learned APP on the other hand opposes the prayer for anticipatory bail.

Considering the aforesaid facts that omnibus allegation has been made as also that similar situate persons have been granted relief, as stated above, this Court is inclined to grant them privilege of anticipatory bail.

Let the petitioners be released on anticipatory bail, in



the event of their arrest or surrender before the Sub-ordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Awatarnagar P.S. Case No. 252 of 2021 to the satisfaction of learned Judicial Magistrate 1st Class, Saran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions that:

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her bona fide;

(ii) the petitioners will make himself available to the police as and when required in course of investigation;

(iii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any
criminal offence again failing which the State shall be at liberty
to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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