

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25557 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- PARASBIGHA District- Jehanabad

1. Suresh Yadav S/O Chhotan Yadav Resident Of Village- Mahadev Bigha, P.S.- Parasbigha, District- Jehanabad.
2. Ajay Kumar S/O Shiv Yadav Resident Of Village- Mali Bigha, P.S.- Makhdumpur, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-07-2023 Learned counsel for the petitioners submits that the petitioner no. 1 has been arrested by the police, therefore, he seeks permission to withdraw this application with regard to petitioner no. 1.

Permission is granted.

Accordingly, this application is dismissed as withdrawn with regard to petitioner no. 1.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State for consideration of bail with regard to rest of the petitioner.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 341, 323, 307, 353, 504, 427/34 of the Indian Penal Code.



Allegation against the petitioner is that he along with co-accused persons took away red colour Mahindra tractor from the clutch of police and obstructed the public servant in the execution of public duty and taken law and order in their hand.

Learned counsel for the petitioner submits that the petitioner is innocent, not named in the FIR and has been falsely implicated in this case. He submits that petitioner has no concern in the alleged occurrence as alleged by the informant and nothing has been recovered from the vehicle of the petitioner. He submits that the petitioner was not present at the time of occurrence. He submits that the tractor of the petitioner was not engaged in excavating the sand nor it has been seized from the place of occurrence. He further submits that petitioner has one criminal antecedent as stated in para-3 of this application.

Learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances of the case, let the above named petitioner in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two



sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Parasbigha P.S. Case No. 05 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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