

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24960 of 2023

Arising Out of PS. Case No.-637 Year-2022 Thana- GAYA MUFASIL District- Gaya

Kamlesh Kumar Yadav, Son Of Late Malu Yadav, Resident of village -
Shivrampur, P.S. - Madanpur, Distt. - Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arya Achint, Advocate

For the Opposite Party/s : Mr.Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 07-07-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is apprehending his arrest in connection with Gaya Mufassil P.S. Case No. 637 of 2022 registered for the offence punishable under Section 384 and 34 of the Indian Penal Code.

The petitioner along with co-accused Rajeev Kumar and Sumit Kumar were directed to conduct some survey in connection with proposed road widening to ascertain the requisite land acquisition for the purpose. The FIR has been lodged by the Circle Officer based on a complaint made by six named persons on 16.07.2022, alleging that the petitioner along with other two co-accused (contractual Amins) had demanded Rs. 2,00,000/- (two lakhs) for giving favourable report in favour



of the objectionist.

Learned counsel for the petitioner submits that from perusal of the objection dated 16.07.2022 referred in the FIR, copy of which annexed as Annexure-3 to the bail application, it is obvious that specific allegation of demand of illegal gratification is against co-accused Rajeev Kumar. The petitioner has been made accused merely because he was also conducting the survey, though the allegation does not find support against him in the objection. He is having clean antecedent.

Learned APP for the State has opposed the prayer for pre-arrest bail.

Considering the submission advanced by learned counsel for the petitioner with reference to the objection dated 16.07.2022 and clean antecedent, this Court is inclined to allow petitioner's prayer for grant of anticipatory bail.

Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st class, Gaya in connection with Gaya Mufassil P.S. Case No. 637 of 2022, subject to the conditions as



laid down in Section 438(2) of the Code of Criminal Procedure
as also subject to the following conditions:

(i) That one of the bailors
will be a close relative of the petitioner
who will give an affidavit giving
genealogy as to how he is related with
the petitioner. The bailor will also
undertake to inform the court if there is
any change in the address of the
petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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