

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37802 of 2023

Arising Out of PS. Case No.-396 Year-2019 Thana- DAUDNAGAR District- Aurangabad

Manish Kumar Yadav Son of Late Rao Balbir Singh Resident of Village -
Bhagwan Bigha, P.S.- Daudnagar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satyabir Bharti, Advocate Ms. Sushmita Sharma, Advocate Mr. Abhishek Anand, Advocate
For the Opposite Party/s :		Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Satyabir Bharti, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Daudnagar P.S. Case No. 396 of 2019 registered for the offence punishable under Sections 420, 187, 188, 379, 307 and 120(B)/34 of the Indian Penal Code.

3. It is alleged that while the informant was deployed to guard 29 seized trucks, which were seized by the Mining Department. At the night of 25/26.12.2019, at about 03:00 AM one of the driver of the seized truck started his truck and drove away. The informant identified the petitioner, who was sitting beside the driver in the said truck and he was saying to drive up over all the police personnels.



4. Learned counsel appearing on behalf of the petitioner submits that admittedly the occurrence took place in the midnight of winter and it seems to be improbable that the informant has recognised the petitioner while he was sitting in the truck. He further submits that only on account of his past criminal antecedent his name has been implicated in this case, which is nothing but the high handedness of the police. He next submits that even as per the allegation made in the FIR taken to be true, no sufficient ingredients are present to constitute any offence much less under section 307 of the Indian Penal Code. That apart, he has neither any concern with the truck nor the driver, who was allegedly sitting therein. He lastly submits that though there are two cases over his head, but in both the cases he is on bail.

5. On the other hand, learned APP for the State vehemently opposes the pre-arrest bail application of the petitioner and submits that the petitioner has been recognised by the informant.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the fact that the petitioner has no concern with the truck in question, which has been driven away by the driver, let the



above named petitioner, be released on bail, in the event of his arrest of surrender before the learned Court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate Daudnagar, Aurangabad in connection with Daudnagar P.S. Case No. 396 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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