

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39906 of 2022

Arising Out of PS. Case No.-262 Year-2021 Thana- JHAJHA District- Jamui

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SURESH YADAV SON OF TILAK YADAV @ TILO YADAV R/O
VILLAGE- BELA, P.S.- BALHAR, DISTRICT- BANKA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar

For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-02-2023 Heard learned counsel for the petitioner as well as
learned APP for the State.

The petitioner apprehend his arrest in a case registered for the offence punishable under sections 379, 411, 353, 307, 279/34 of the Indian Penal Code and 4/40 of the Bihar Mines and Minerals Rules, 1972 and 8(a) of the Bihar Prevention of Illegal Mining Storage and Transportation Act, 2003 and section 15 of Environmental and Forest Protection Act.

The prosecution case in short is that on the alleged date and time, police team and informant were on duty at Karma bridge. A tractor loaded with sand was indicated to stop but the driver did not stopped rather he fastly drove the tractor towards Bodwa village and unloaded the sand, thereafter, it returned to the police party. When the police party again indicated to stop



the tractor, driver did not stopped it and he ran the tractor over the police due to which the informant got injury.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is the owner of the tractor and has no connivance with the driver of the said tractor. There is no specific overt act against the petitioner. He further submits that the alleged assault and consequential injury sustained by the informant is minor and superficial in nature. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, 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 Jhajha P.S. Case No.262 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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