

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47054 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- CIVIL LINE District- Gaya

Om Prakash Kumar, son of Chandradeo Yadav, resident of Village-Fulni
Dihuri, P.S.- Chandauti, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with Gaya Civil Line P.S. Case No.257 of 2023 registered for
the offences punishable under Sections 147, 149, 420, 467, 468,
471, 456, 427 and 379 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is
in custody since 14.04.2023.

4. Allegation against the petitioner as per FIR is to
encroach over public land, which is a part of school along with
12 named co-accused persons and 20-25 unknown co-accused
persons and while doing so, demolished boundary wall and gate
of school by using JCB machine. The informant of this case is
local Revenue Officer.



5. It is submitted by learned counsel that petitioner was not apprehended on spot and as his tractor was engaged on hire basis for soil filling activity of school campus, he was implicated with present case without having any cogent materials. It is submitted that allegation against this petitioner is very much general and omnibus in nature and taking note of said fact, named co-accused, Manish Kumar has already granted bail by one of the learned co-ordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No.41769 of 2023. While concluding argument, it is submitted that the petitioner is a man of clean antecedent and moreover investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of fact as allegation against this petitioner is appearing very much general and omnibus, where implication appears *prima facie* being owner of tractor coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 14.04.2023, accordingly, the



petitioner, above-named, is directed to be released on bail
furnishing bail bond of Rs.10,000/- (Rupees 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 Civil Line P.S. Case No.257 of 2023, subject to the
conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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