

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53886 of 2022

Arising Out of PS. Case No.-240 Year-2022 Thana- HISUWA District- Nawada

Raushan Kumar, S/o Sri Pawan Prawah, R/o village- Bhadseni, P.S.-Hisua,
District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 10-01-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Hisua
P.S. Case No.240 of 2022 registered for the offence punishable
under Sections 147, 148, 149, 341, 323, 353, 504, 506 of the
Indian Penal Code.

One tractor allegedly laden with illegal sand has been
seized by the police team. It is alleged that six named accused
along with 12-15 unknown persons have created obstruction.

Petitioner's counsel submits that the allegation of
assault has been levelled against co-accused Kundan Kumar and
Shaurabh Kumar, who have been allowed bail in Cr.Misc.
No.39918 of 2022. Against the petitioner, there is an allegation
that he has created an obstruction on the road so as to prevent



the tractor from being taken by the seizing party. The petitioner's name along with these false allegation has been inserted only on account of his antecedent (seven). The petitioner, in fact, is a handicapped person having 45% disability as per certificate (Annexure 2). The petitioner is in custody since 07.06.2022.

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

Considering the rival submissions, petitioner's handicapped, custody as well claim based on parity with two co-accused persons, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 learned C.J.M., Nawada, in connection with Hisua P.S. Case No.240 of 2022, 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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