

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53911 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- NAVINAGAR District- Aurangabad

GORA YADAV S/O SHIV YADAV RESIDENT OF VILLAGE
BHAWANOKHAP P.S NABINAGAR DISTRICT AURANGABAD BIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar Singh, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

- 2 23-08-2023 1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.
2. This is an application for grant of anticipatory bail in connection with Nabinagar PS case no. 179 of 2021, registered for the offences punishable under Section 353 and other allied sections of the Indian Penal Code and Section 3/4 of the Prevention of Damage to Public Property Act.
3. The allegation is regarding 74 named and 300-400 unknown persons having obstructed the road and pelted stones upon the police personnel as also are alleged to have damaged the police van and tried to beat the police personnel on duty, when the police was conducting raid in connection with nabbing of a miscreant engaged in the business of illicit liquor.
4. The learned counsel for the petitioner submits that



the petitioner is innocent and he has been falsely implicated in the present case. The petitioner is stated to be accused in two other cases but he is on bail in the said cases. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against all the accused persons and as far as the petitioner is concerned, he has not been alleged to have engaged in any sort of overt act. It is also submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by a co-ordinate Bench of this Court vide order dated 14.07.2022, passed in Cr. Misc. no. 66121 of 2021 and vide order dated 18.05.2023, passed in Cr. Misc. no. 11725 of 2023 and other analogous cases.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the parity of the case of the petitioner with that the co-accused persons who have already been granted the privilege of anticipatory bail by co-ordinate Benches of this Court, I deem it fit and appropriate to admit the petitioner to the



privilege of anticipatory bail.

7. Accordingly, the abovenamed petitioner, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/ production of a copy of this order, is directed to be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Aurangabad (Bihar) in connection with Nabinagar PS case no. 179 of 2021, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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