

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55095 of 2023**

Arising Out of PS. Case No.-347 Year-2022 Thana- BARACHATTI District- Gaya

1. Sanjay Yadav Son Of Lakhan Yadav Resident Of Village- Kaderchuwan, Ps- Mohanpur, Dist- Gaya, Bihar
2. Kamlesh Kumar @ Kamlesh Yadav Son Of Late Birendra Yadav Resident Of Village- Kaderchuwan, Ps- Mohanpur, Dist- Gaya, Bihar
3. Krishna Yadav Son Of Janki Yadav Resident Of Village- Kaderchuwan, Ps- Mohanpur, Dist- Gaya, Bihar
4. Dhaneshwar Yadav Son Of Deepu Yadav Resident Of Village- Kaderchuwan, Ps- Mohanpur, Dist- Gaya, Bihar
5. Niranjana Yadav Son Of Late Moti Yadav Resident Of Village- Kaderchuwan, PS- Mohanpur, Dist- Gaya, Bihar
6. Suresh Yadav Son Of Late Baleshwar Yadav Resident Of Village- Kaderchuwan, Ps- Mohanpur, Dist- Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Anmol Kumar, Adv.

For the Opposite Party/s : Mr. Arun Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR**  
**ORAL ORDER**

2      13-09-2023                      Heard Mr. Anmol Kumar, learned counsel appearing on behalf of the petitioners and Mr. Arun Kumar Pandey, learned Additional Public Prosecutor for the State.

2. The petitioners apprehend their arrest in connection with Barachatti (Mohanpur) P.S. Case No. 347 of 2022, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 353, 308, 504, 506, 379 of the Indian Penal Code and Sections 35/27 of the Wildlife (Protection) Act.



3. Allegedly, in course of patrolling the police on receipt of secret information regarding smuggling of green wood, conducted raid. Noticing the police party, the accused persons managed to flee away. From the spot, a Tractor laden with green wood was seized. It is further alleged that while the police personnels were proceeded along with the Tractor altogether 40-45 persons variously armed assaulted the police party and fled away with the Tractor.

4. Learned counsel appearing on behalf of the petitioners submits that from the narrations of the FIR it is evident that the occurrence took place on 14.04.2022 but the FIR has been instituted on 28.04.2022. Further, from the materials available on record it is evident that no injury has sustained to any of the persons. That apart, the alleged Tractor involved in the crime belongs to co-accused Baliram Yadav, who is not the petitioner before this Court. He also submits that there is omnibus allegation and in fact the petitioners being the local residents their names have been implicated in this case, moreover the petitioners are men of fair antecedent.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioners have specifically objected the police personnels in discharging



their official duty.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and the delay in lodging of the FIR, coupled with the fair antecedent of the petitioners, let the petitioners abovenamed be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, upon furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Gaya in connection with Barachatti (Mohanpur) P.S. Case No. 347 of 2022, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioners.

**(Harish Kumar, J)**

Anjani/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

