

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59111 of 2022

Arising Out of PS. Case No.-188 Year-2021 Thana- WARISLIGANJ District- Nawada

1. KAMLESH YADAV S/o Banaras Yadav Resident of - Morang (Murarbigaha) at present, Resident of - Maloka Bigha, P.S.- Warisaliganj in the district of Nawadha
2. CHANDAN YADAV S/o Bali Yadav R/v- Mananchak, P.S.- Warisaliganj in the district of Nawada
3. YOGENDRA SINGH S/o Sulendra Raut @ Awadhesh Singh Resident of village- Chandipur, P.S.- Warisaliganj in the district of Nawada
4. VIJAY RAUT S/o Sulendra Raut Resident of village- Chandipur, P.S.- Warisaliganj in the district of Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar,Advocate

For the Opposite Party/s : Mr.Shyameshwar Dayal,APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-02-2023 Heard learned counsel for the petitioners and learned APP for the State through video conferencing in view of the COVID 19.

The petitioners apprehend their arrest in connection with Warisaliganj P.S. Case No. 188 of 2021 for the offence registered under Sections 147, 148, 149, 341, 323, 307, 188, 353, 332, 333, 337, 338, 427, 379 and 411 of the Indian Penal Code and Section 27 of Arms Act.



As per the prosecution story, the police upon information of illegal dumping of the sand reached there along with the police force and found a 'Hyva' as also a 'JCB' and a truck present there. As the police started doing seizure process and preparing list, the accused persons armed variously reached there and in the process not only injured the police force but also damaged the police vehicles. The police also came to know that the petitioner is the JCB owner. Accordingly, the FIR was lodged.

Learned counsel for the petitioner submits that he has nothing to do with the present occurrence. Further, contrary to the allegation made in the FIR, the JCB does not belong to him which actually is owned by one Bablu Yadav of Sheikhpura District. Further, even 'Hyva' belongs to Md. Haidar. It is his last submission that since in the process, there has been assault on the police force as also damage of the police vehicles, the petitioners irrespective of the outcome of the present petition is ready to pay Rs. 10,000/- each to the Chief Minister's Relief Fund through Demand Draft issued by the local State Bank of India Branch.

Learned APP for the State, on the other hand, opposes the prayer submitting that not only they were illegally dumping



the sand, when the police tried to seize it, they attacked the police force also.

Taking into account the fact that omnibus allegation has been made against 25 to 30 persons, the petitioners have made a categorical statement that he does not own the vehicle in question which was present at the place of occurrence and further that Hywa owner Md. Haider has since been extended the relief of anticipatory bail vide Cr. Misc. No. 65284 of 2021 (Annexure 2 to the petition), this Court is inclined to extend them the same relief of anticipatory bail subject to payment of Rs. 10,000/- each by the four petitioners individually to the Chief Minister's Relief Fund with conditions.

Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IV, Nawada in connection with Warisaliganj P.S. Case No. 188 of 2021 subject to condition as laid down under Section 438(2) of the Cr.P.C with further conditions:-

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show



their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

Jagdish/Neha/-

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