

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61859 of 2022**

Arising Out of PS. Case No.-721 Year-2021 Thana- BANKA District- Banka

PRITAM YADAV, S/o Bhawesh Yadav, R/v- Mirzapur, P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Satya Veer, Advocate Mr. Rana Pratap Singh, Advocate
For the Opposite Party/s	: Mr. Ram Naresh Ray, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER**

3 13-03-2023 Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period of four weeks from today.

The petitioner seeks bail in connection with Banka (Barahat) P.S. Case No. 721 of 2021 registered for the offence under Sections 147, 149, 323, 353, 307, 379, 427 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in custody since 07.04.2022.

The allegation against the petitioner is to assault upon the home guard personnel who are coming back to Banka after conducting raid in Barahat and as so they arrived in village of



petitioner, namely Mirzapur, found 20-25 tractors loaded with sand. When matter was asked by one of the home guard, namely, Pradeep Darve (home guard no. 10518), the petitioner started to assault with lathi and also damages the butt of the rifle of home guard personnel. Allegation in totality is to deter the police personnel while performing their official duties.

Learned counsel appearing on behalf of the petitioner submitted that police personnel cannot be said on official duty for the reason that they were not assigned to conduct a raid at Mirzapur village and they entered into the village on their own and exceeded their jurisdiction where the present occurrence took place. It is also submitted that during the course of occurrence, no injury was received by any one and allegation to damage the butt of rifle is only to aggravate the allegation. It is also pointed out that similarly situated co-accused, namely, Shambhu Maharana has already been granted bail by one of the co-ordinate Bench of this Court vide order dated 31.03.2022 passed in Cr. Misc. No. 65352 of 2021. While concluding the argument, it is submitted that petitioner involved in six more criminal cases, where he is on bail and out of six cases, two cases are of similar nature and moreover, investigation of this case has already been completed, for which, charge-sheet has been submitted, as such,



there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above as no injury was received during the course of occurrence, where home guard personnel not appears to assigned the official duty to enter into the Mirzapur Village, coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Banka (Barahat) P.S. Case No. 721 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Banka/concerned Court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C. **with further condition that the petitioner shall fully cooperate with the investigation / trial of the case and found not involved in similar nature of case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.**

(Chandra Shekhar Jha, J)

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