

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65493 of 2022

Arising Out of PS. Case No.-52 Year-2019 Thana- MOHANIYA District- Kaimur (Bhabua)

Abhimanyu Singh Yadav, S/o Shyam Bihari Yadav, R/v- Renupur, P.S.-
Nonhara, District- Gajipur (U.P.)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner is apprehending his arrest in connection with Mohania P.S. Case No. 52 of 2019 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 504, 427, 332, 333, 353 and 379 of the Indian Penal Code.

As per prosecution case, the informant inspected some overloaded vehicles. One of the such vehicles, a truck, belonged to this petitioner. Later on the FIR named co-accused persons and other unknown persons assembled and assaulted the informant and damaged the Government vehicle. They also took away the seizure lists, money receipts and some cash. They also forcibly took away one of the co-accused, namely, Kamlesh



Kumar from the custody of the informant.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Petitioner has been named in this case merely due to the fact that he is owner of one of the vehicles. But the true fact of the case is that the informant was himself involved in illegal gratification and was collecting money from different vehicles which was resisted by local people and the informant and his associates left under such compelling circumstances and in order to save their prestige and justify their action they lodged the present case. None of the independent witnesses came forward to support the allegation. Learned counsel further submits that the petitioner has no knowledge about rejection of his anticipatory bail application by the learned trial court. However, similarly, place co-accused persons have been granted anticipatory bail by different Co-ordinate Benches of this Court vide order dated 19.04.2019 passed in Cr. Misc. No. 24439 of 2019, order dated 15.07.2019 passed in Cr. Misc. No. 38631 of 2019 and order dated 43706 of 2019.

Learned APP opposes the prayer for anticipatory bail.

Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the



vague and non-specific nature of allegation against the petitioner, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty five thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Mohania, District-Kaimur at Bhabua/court concerned in connection with Mohania P.S. Case No. 52 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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