

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66986 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- BIHAR District- Nalanda

1. DAYANAND PRASAD @ DAYANAND YADAV Son of Siyasharan Yadav R/V- Nakatpura, P.S- Bihar, Dist- Nalanda
2. Parmanand Prasad @ Parmanand Yadav Son of Siyasharan Yadav R/V- Nakatpura, P.S- Bihar, Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 67064 of 2022

Arising Out of PS. Case No.-520 Year-2021 Thana- BIHAR District- Nalanda

RAMANAND YADAV @ RAMANAND PRASAD SON OF SIYASHARAN
YADAV R/O VILL.- NAKATPURA, P.S.- BIHAR, DISTT.- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 66986 of 2022)

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

(In CRIMINAL MISCELLANEOUS No. 67064 of 2022)

For the Petitioner/s : Mr. Raj Kishor Prasad

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 27-02-2023 As both these bail applications have cropped up from the same police station case number, hence, with consent of parties, they are being heard together and disposed of by this common order.

Heard the parties.



The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 353, 337, 338, 504 of the Indian Penal Code.

As per the prosecution case, while the informant alongwith other police personnel was taking three tractors loaded with illegal sand, 50 to 60 persons made and illegitimate mob and and tired to get the loaded tractors loaded with illegal sand released and they started abusing the police force. The allegation against the petitioners is that they started pelting stones at the police force which caused obstruction in discharging official duty. Petitioner Ramanand Yadav is the owner of the tractors loaded with illegal sand.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is no specific overt act against the petitioners. Petitioners are only the member of mob. The petitioners were not present on the spot and they have not obstructed in discharging duty. Petitioner Dayanand Prasad has one criminal antecedent, petitioner Parmanand Prasad and



Ramanand Yadav has two criminal antecedent, as also mentioned in para-3 of the bail applications.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) **each** with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Bihar P.S. Case No.520 of 2021 (G.R. No.4529 of 2021), subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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