

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69368 of 2022**

Arising Out of PS. Case No.-112 Year-2022 Thana- NARDIGANJ District- Nawada

PRAHALAD YADAV @ PRAHALAD KUMAR Son of Kuldeep Yadav R/v-
Kashi Bigha, P.S.- Nardiganj, District- Nawada

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar No.1
For the Opposite Party/s : Mr.Narendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 21-03-2023 Heard learned counsel for the parties.

The petitioner apprehends his arrest in a case registered for the offence under Sections 147, 149, 341, 323, 379, 353, 504 of the Indian Penal Code.

The prosecution case, in short, is that on 01.05.2022 the informant alongwith other police forces proceeded in connection with raid against accused persons of Nardiganj P.S.Case No.210 of 2021 and reached near Madhuban bridge, they saw that sand is being loaded illegally on eight to ten tractors in Panchane river, on seeing the police vehicle, they started fleeing away with sand loaded tractors, but police force caught two tractor alongwith their drivers and said tractors were without registration number. When a query was made with the drivers, then 30-40 persons after forming unlawful assembly



came there and tried to release the tractor and drivers from police custody and the police tried to convince them but they were not ready to convince and obstructed them in discharge of their duty and they also misbehaved and scuffled with police force. They got succeeded in releasing the said tractors and drivers from police custody and accordingly, an FIR was lodged against FIR named accused persons including this petitioner.

It is submitted on behalf of petitioner that petitioner is neither owner nor driver of the vehicle in question. There is general and omnibus allegation and no specific overt act has alleged against this petitioner. Similarly situated co-accused persons namely Dhirendra Kumar, Rahul Kumar and Rajbalabh Kumar have already been granted anticipatory bail by a coordinate Bench of this Court, vide order dated 14.12.2022 passed in Cr.Misc. No. 57703 of 2022. Petitioner has got clean antecedent.

Learned A.P.P. for the State has opposed the prayer for anticipatory bail.

Considering the aforesaid facts and circumstances, in the event of arrest/surrender within a period of six weeks from today, let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two



sureties of the like amount each to the satisfaction of learned C.J.M., Nawada in connection with Nardiganj P.S. Case No. 112 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure with further conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bonds shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) The court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of his bail bond. However, the acceptance of bail bond, in terms of the above-mentioned order, shall not be delayed for purpose of or in the name of verification.

(Prabhat Kumar Singh, J)

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