

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72033 of 2022

Arising Out of PS. Case No.-3 Year-2022 Thana- RIVILGANJ District- Saran

1. ARUN KUMAR YADAV @ ARUN KUMAR Son of Brij Bihari @ Brij Bihari Prasad R/V- Mahammadpur, Mubarakpur, P.S- Rivilganj, Dist- Saran at chapra
2. Sachin Kumar Yadav @ Sachin Kumar Son of Brij Bihari @ Brij Bihari Prasad R/V- Mahammadpur, Mubarakpur, P.S- Rivilganj, Dist- Saran at chapra

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Narendra Kumar, Advocate
For the Opposite Party/s : Mr.Arvind Kumar Pandey (APP-84)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-05-2023 At the outset, learned counsel for the petitioners seeks permission to withdraw this application as regards petitioner no. 1 namely, Arun Kumar Yadav @ Arun Kumar.

Permission is granted.

This application is dismissed as withdrawn as against petitioner no. 1 namely, Arun Kumar Yadav @ Arun Kumar.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner no. 2, in the present case, is seeking pre-arrest bail in connection with Rivilganj P.S. Case No. 03/2022 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 343, 324, 332, 333, 353, 427, 307 of



the Indian Penal Code and Section 3/4 of the Damage to Public Property Act. He has one criminal antecedent in which he is on bail as stated in paragraph '3' of the application.

As per the prosecution story, the informant has alleged that while he along with other police officials reached at temporary railway crossing no. 55 situated between Chapra and Gautam Asthan railway station in Chapra Ballia Rail Section by the order of S.D.M., in the meantime, all the accused persons including the petitioners and 200 unknown persons attacked on the police force as a result of which several police personnel sustained injuries.

Learned counsel for the petitioner no. 2 submits that this petitioner has been falsely implicated in this case and that the petitioner no. 2 was not present at the place of occurrence. Learned counsel submits that four co-accused similarly situated have been granted privilege of anticipatory bail by this Court in Cr. Misc. No. 57874/2022 vide order dated 16.03.2023.

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

Having regard to the facts and circumstances of the case, the nature of allegation and that four co-accused similarly situated have been granted privilege of anticipatory bail by this



Court in Cr. Misc. No. 57874/2022 vide order dated 16.03.2023, this Court directs that in the event of arrest or surrender within a period of four weeks from today, let the petitioner no. 2 namely, Sachin Kumar Yadav @ Sachin Kumar be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Saran at Chapra, in connection with Rivilganj P.S. Case No. 03/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

And further condition that 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 bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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