

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73551 of 2023

Arising Out of PS. Case No.-177 Year-2023 Thana- CHAKAND District- Gaya

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SUNIL KUMAR @ SUNIL YADAV S/O- SRI GANESH YADAV R/O-
VILLAGE- MURKATTA, P.S.- CHAKAND, DIST.- GAYA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satya Veer, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 30-11-2023 Learned counsel for the petitioner is permitted to

remove the defect(s), as pointed out by the office, if any, within

a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Chakand P.S. Case No. 177 of 2023 dated
30.05.2023 registered for the offence/s punishable u/ss 147, 149,
341, 323, 332, 337, 338, 353, 354, 379, 411, 413 and 504 of the
Indian Penal Code and section 21 of MM (DSR) Act and
section 56 of the CPI MTS Act.

4. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have loaded the sand in their



tractors illegally and tried to flee away but one Shailendra Kumar was apprehended with his tractor and police took him to the police station. It is further alleged that the accused persons came to the police station and started abusing and pelting stones and they also misbehaved with the lady constables.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner was not present at the place of occurrence. The name of the petitioner has sprung up in the confessional statement of the co-accused Shilendra Kumar. The seized tractor loaded with sand does not belong to the petitioner. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Gaya in connection with Chakand P.S. Case No. 177 of 2023, subject to conditions as laid down under section 438(2) of the Code of



Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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