

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77014 of 2023

Arising Out of PS. Case No.-465 Year-2022 Thana- GAYA KOTWALI District- Gaya

Manish Kumar Son of Late Ram Lakhan Yadav Resident of Village -
Shahwajpur, Ps- Chandauti, Distt- Gaya.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priya Ranjan

For the Opposite Party/s : Mr.Rajiv Nayan

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Kotwali P.S. Case No. 465/2022 registered for the offences
punishable under Sections 147, 148, 149, 337, 427, 353 and 307
of the Indian Penal Code

3. As per prosecution case, informant tried to stop
the tractor in question which was loaded with illegal sand but
the driver of the tractor in question managed to escape and the
police chased the said tractor. Thereafter, the driver of the
alleged tractor called his owner by contacting him through
mobile and thereafter, the owner of the said tractor reached on
the spot alongwith with 15-20 persons. It is further alleged that
the driver of the said tractor dashed the vehicle of police with an



intention to kill and thereby causing damage to vehicle of police and fled away from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner is not named in F.I.R. The name of the petitioner has been surfaced in this case as an owner of the said tractor in question. Petitioner was not present at the place of occurrence at the initial stage of F.I.R. and when he was informed by his driver, he came to the place of occurrence alongwith 15-20 persons. He has nothing to do with the alleged occurrence. Petitioner is innocent and has committed no offence as alleged against him in F.I.R. and he has falsely been implicated in this case. The petitioner is languishing in custody since 13.06.2023 and bears criminal antecedent of one case in which he is on bail. He further submits that there is no specific overt-act against the petitioner, rather allegations are ornamental in nature. He orally submits that charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, argument advanced on behalf of both



sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Kotwali P.S. Case No. 465/2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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