

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75255 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- KARANDAY District- Sheikhpora

1. Bablu Yadav, Son of Ram Lakhan Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.
2. Mukesh Yadav @ Mukesh Kumar Yadav, Son of Late Kapildeo Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.
3. Karu Yadav @ Adhik Yadav, Son of Late Pyare Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.
4. Sakesh Kumar, Son of Late Kapildeo Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.
5. Prabhu Yadav, Son of Late Lutan Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.
6. Pintu Kumar, Son of Late Kapildeo Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.
7. Kundan Kumar @ Chandan Kumar, Son of Late Pyare Yadav, R/o vill - Chatiyara, P.S. - Karandey, Distt. - Sheikhpora.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Nilendu Kumar Choudhary, Advocate
For the Opposite Party	:	Mr. Shyameshwar Dayal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 11-12-2023 Learned counsel for the petitioners 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 petitioners and learned Additional Public Prosecutor for the State.

3. The petitioners are apprehending their arrest in connection with Karandey P.S. Case No. 59 of 2023 dated



19.06.20219 for the offence punishable under Sections 147, 149, 152, 225, 279, 341, 323, 332, 353, 379, 411, 504, 506 of the I.P.C. and Section 56 of BM (CPIMTS), Rule, 2021.

4. As per the prosecution case, the police chased illegal sand laden tractor, when entered in a village and the driver fled. When the police tried to bring the tractor to the police station, the tractor owner and local people forcibly freed the tractor. They abused and injured the police party by kicking and punching them. While returning the accused persons pelted stones and bricks. They abused and threatened to kill the police team.

5. Learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in this case. There is general and omnibus allegation against the petitioners. It is submitted that no source of identification has been stated that who has disclosed the petitioners' name and it is only stated that the local chowkidar has identified the petitioners in a mob. The petitioners have not participated in the alleged occurrence rather they have been made accused in the present case because earlier some cases have been lodged against them in the same police station. The F.I.R. has been instituted on 19.06.2023 but the same was sent



before the Magistrate on 22.06.2023 after a delay of three days and for which no explanation has been given by the prosecution. The petitioner nos. 1 and 3 have four criminal antecedents, the petitioner nos. 2 and 6 have five criminal antecedents, the petitioner no. 4 has one criminal antecedent, the petitioner no. 5 has three criminal antecedents and the petitioner no. 7 has two criminal antecedents as stated in paragraph no. 3 of the bail application.

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

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-Ist Class, Sheikhpura, in connection with Karandey P.S. Case No. 59 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure with further condition:-

(I) The petitioners are directed to remain physically present before the learned Court



below on each and every date, failing which
on two consecutive dates without reasonable
cause, the bail bonds of the petitioners are
liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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