

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13084 of 2024

Arising Out of PS. Case No.-397 Year-2023 Thana- ARWAL District- Jehanabad

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Baliram Chaudhary Son of Late Kanhai Chaudhary Resident of Village
Piprabangla, P.S.- Arwal, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 17-05-2024 1. Heard learned counsel appearing on behalf
- of the petitioner and learned Additional Public Prosecutor
- appearing on behalf of the State.
2. The accused/petitioner is named in F.I.R.
- and apprehending his arrest in connection with Arwal
- P.S. Case No. 397 of 2023, registered for the offences
- punishable under Sections 379, 411, 201, 279, 353,
- 307 and 504 of the Indian Penal Code.
3. The allegation against above named
- petitioner is to take away tractor from police custody
- loaded with illegal sand, where an attempt was also
- made to hit vehicle of police by tractor, loaded with



sand, with intention to kill.

4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is local resident, who came to the place of occurrence on hearing alarm raised by the other co-accused persons, while they were apprehended by police personnels and mere on the basis of suspicion, local Chaukidar named him with present occurrence. It is submitted that the driver of the tractor carrying sand has granted anticipatory bail by this Court through Cr. Misc. No. 8966 of 2024 dated 22.02.2024. It is submitted that this is not a case of any bodily injuries rather out of negligent driving of tractor by driver, implication made under Section 307 of the Indian Penal Code merely on the basis of apprehension. While concluding argument, it is submitted that seizure list witnesses are also Bihar Police Constable and same is not supported by any independent witnesses. It is submitted that petitioner is a man of clean antecedent.

5. Learned APP opposes the prayer of bail.



6. Considering the aforesaid facts and circumstances, as petitioner is simply member of mob, accordingly, above named petitioner, in the event of his arrest or surrender before the learned trial Court, within a period of four weeks of the order, is directed to be released on bail furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Arwal/concerned Court, where the case is pending in connection with Arwal P.S. Case No. 397 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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