

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13565 of 2024

Arising Out of PS. Case No.-563 Year-2023 Thana- RAJAOLI District- Nawada

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1. Beyas Yadav @ Vyash Yadav S/o- Kuleshwar @ Kuleshwar Yadav Village- Bharara PS- Rajouli Dist- Nawada
 2. Chhotelal Yadav son of Kuleshwar @ Kuleshwar Yadav Village- Bharara PS- Rajouli Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar, Advocate

For the Opposite Party/s : Mr.Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-03-2024 Heard Mr. Awadhesh Kumar, learned counsel for the petitioners and learned APP for the State.

2. The petitioners apprehend their arrest in connection with Rajouli P.S. Case No. 563 of 2023 registered under Sections 341, 323, 307, 353, 504 and 506/34 of the Indian Penal Code lodged on 23.11.2023 by the informant, Goutam Kumar.

3. As per the prosecution story, the informant and other police officials were on patrolling and when reached near Rajouli got information from Senior Official which followed raiding of a place and seizure of tractor with illegal sand. As the police tried to take over, it was resisted by the local villagers in which police force also suffered injury. They tried to hit the



police force but they saved themselves. It has been further incorporated that one motorcycle which was left by the accused persons was seized which followed the FIR.

4. Learned counsel for the petitioners submit that they are local villagers, do not have criminal antecedent, neither they are owner of the tractor nor the motorcycle and only because out of curiosity, they were there, got implicated. Further, the submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner (s) on its own would like to contribute Rs. 2000/- each (totalling Rs. 4,000/-) to the Chief Minister's Relief Fund.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that they tried to stop the police force from doing their duty.

6. Taking into account the submissions put forward by the learned counsel for the parties as also that they are neither owner of the tractor or the motorcycle, do not have criminal antecedent, FIR lodged and will have to face the trial, this Court is inclined to grant them privilege of anticipatory bail subject to payment of Rs. 2000/- as stated above.

7. Let the petitioners, in the event of arrest or surrender within a period of four weeks from the date of receipt



of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-1st, Nawada in connection with Rajouli P.S. Case No. 563 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show his/her *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

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