

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20457 of 2024

Arising Out of PS. Case No.-53 Year-2019 Thana- SAKATPUR District- Darbhanga

Arvind Kumar Yadav @ Ashok Kumar Yadav @ Ashok Yadav Son of Babu Narayan @ Babu Narayan Yadav Resident of Tardhih, P.S.- Sakatpur, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Bharti, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 04-04-2024 Heard Mr. Jitendra Bharti, learned counsel for the petitioner and the State.

2. The petitioner is apprehending his arrest in connection with Sakatpur P.S. Case No. 53 of 2019 for the offence under Sections 147, 148, 149, 341, 323, 332, 333, 307, 353, 427, 504 and 506 of the I.P.C. lodged on 16.06.2019 by the informant, Uday Kumar Singh.

3. As per the prosecution story, the allegation is that one Roshan Yadav was arrested, as the police was on the road journey, in the State of Madhya Pradesh near Samnapur Deordhi, the vehicle met with an accident, in which, both Roshan Yadav and Head Constable, Tulsi Ram died of serious injuries. Allegation is that upon information, the villagers



assembled and after abuse, created nuisance and the vehicles were destroyed in the police Station, they were identified and FIR lodged, petitioner being one of them.

4. Learned counsel for the petitioner submits that in fifty to sixty persons, it is impossible to identify him. In any case, as a villager had lost his life after the police has taken him in custody, out of curiosity, he may at the place of occurrence that cannot be a ground of attributing him to the nuisance as also damage of the vehicle. Further, without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 5,000/- to the District Legal Services Authority, Darbhanga.

5. Learned APP opposes the prayer stating that unnecessary, the police station was attacked and the vehicle was damaged.

6. Taking into account the submission of the learned counsel for the petitioner as also the fact that around fifty to sixty persons have been made accused, FIR lodged, he will be facing the trial and he do not have criminal antecedent, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs. 5,000/- as undertaken by the learned counsel for the petitioner.



7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, First Class, Darbhanga in connection with Sakatpur P.S. Case No. 53 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioner 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 his bail bond by the Trial Court itself;

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

(iv) the petitioner 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 the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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