

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26245 of 2024**

Arising Out of PS. Case No.-228 Year-2023 Thana- WAJIRGANJ District- Gaya

Nandu Singh @ Anant Kumar Son of Late Vinod Singh, Resident of Village-
Jamuawan, P.S- Wazirganj, District- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr. Anil Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 09-05-2024 Heard Mr. Sunil Kumar, the learned counsel for the

petitioner and Mr. Anil Kumar, the learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Wazirganj PS Case No. 228 of 2023, FIR dated
25.04.2023, registered for the offences punishable under
Sections 379, 411, 353, 504 and 506 read with Section 34 of the
Indian Penal Code and under Section 56 of MM (D&R) Rule
2021 and under Sections 177, 183, 192, 194 and 196 of the MV
Act.

3. According to prosecution case, the informant while
patrolling for illegal sand mining, tried to stop a tractor, but the
tractor driver drove the said vehicle into the field and managed
to escape. It is further alleged that another loaded tractor while
turning, turned over and the driver of that tractor also fled away



with engine. It is further alleged that the named accused along with fifteen to twenty other persons came and threatened the police.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that upon perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against the petitioner. He lastly submits that the co-accused persons namely, Ankit Kumar, Karan Kumar and Jitendra Kumar Choudhary have been granted the privilege of anticipatory bail by this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 51437 of 2023.

5. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that the petitioner has clean antecedent, there is no specific allegation of any assault or overt act and other similarly situated co-accused persons have been granted the privilege of the anticipatory bail, let the petitioner, above-named, in the



event of his arrest or surrender before the trial Court, within a period of four weeks from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-I, Gaya, where the case is pending in connection with **Wazirganj PS Case No. 228 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the trial Court shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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