

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30173 of 2024

Arising Out of PS. Case No.-307 Year-2023 Thana- CHANDI District- Bhojpur

1. Surendra Yadav @ Surendra Kumar @ satyendra yadav Son of Ram Babu Yadav, R/o Village- Bishunpur, P.S.- Chandi, District- Bhojpur.
2. Akash Kumar Son of Rajesh Kumar Gupta R/o Village- Akhgaon, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Prabhat Kumar Singh, the learned counsel for the petitioners and Mr. Pramod Kumar Pandey, the learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Chandi PS Case No. 307 of 2023, FIR dated 22.11.2023, registered for the offences punishable under Sections 147, 341, 342, 323, 332, 333, 307, 427 and 353 of the Indian Penal Code.

3. According to the prosecution case, the informant along with the police party caught hold of a tractor loaded with illegal sand. It is further alleged that while the police was taking the tractor with the help of local driver, the accused persons



along with ten to twelve unknown persons surrounded the police and pelted bricks and stone causing serious damage to police vehicle and also serious injury to the said driver namely, Manoj Kumar.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the petitioners have not committed any offence as alleged in the FIR. As per allegation in the FIR, the petitioners and other co-accused persons have assaulted the police party by pelting bricks and stones on them. He further submits that from perusal of the FIR it appears that there is no specific allegation of any assault or overt act attributed against the petitioners, rather the co-accused person namely, Ravish Kumar @ Abhishek Kumar against whom there is similar nature of allegation, has been granted the privilege of anticipatory bail by this Court vide order dated 14.03.2021 passed in Cr. Misc. No. 17855 of 2024.

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

6. Considering the aforesaid facts and circumstances,



let the petitioners, above-named, in the event of their arrest or surrender before the learned 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) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara, where the case is pending in connection with **Chandi PS Case No. 307 of 2023**, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. and also the following conditions:

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

(ii). If the petitioners tamper 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 learned trial Court shall verify the criminal antecedent of the petitioners and in case, at any stage, it is found that the petitioners have



concealed their criminal antecedent, the learned trial Court shall take step for cancellation of bail bond of the petitioners. 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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