

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 24953 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- PAUTHU District- Aurangabad

Nagendra Sharma @ Nagendra Kumar son of Ramchandra Sharma Village-
Sonvarsha Ps- Pauthu Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Devyani Shekhar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey (App 84)

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-07-2024 Heard Ms. Devyani Shekhar, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Pauthu P.S. Case No. 80 of 2023 for the offence under Sections 147, 149, 341, 342, 323, 324, 353, 337, 338, 307, 504 of the Indian Penal Code lodged on 22.06.2023 by the informant, namely PSI Dharmendra Kumar.

3. As per the prosecution story, the informant alleged that upon secret information that a tractor is carrying illegal sand, intercepted. However, the driver managed to escape despite the police chased. As the sand loaded tractor was being taken to the police station, the unknown accused persons ensured that the same is not allowed to move and in the process also assaulted the police officials. Accordingly, the FIR.



4. Learned counsel for the petitioner submits that petitioner is neither the owner of the alleged tractor nor he is driver but only because of looker he was present at the long place, implicated and presence of criminal antecedent he has been made accused in this case. Further submission is that if granted relief, he is ready to co-operate in the trial. Further, irrespective of the outcome of the present petition and/or accepting the allegations, the petitioner wants to contribute Rs. 5,000/- towards the purchase of journals in the library of District Legal Services Authority, Aurangabad.

5. Learned APP opposes the prayer submitting that the petitioner was one of the person who prohibited the police in completing their duty.

6. Though the allegation is against the petitioner, the same is omnibus in nature, other co-accused persons have already been granted anticipatory bail vide orders dated 14.03.2024/18.03.2024 passed in Cr. Misc. Nos. 16486 of 2024/3256 of 2024 and the petitioner is undertaking to diligently appear in trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions subject to payment of Rs. 5,000/- as undertaken above by the learned counsel for the petitioner which will go to the D.L.S.A., Aurangabad for purchase of journals in its library.

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 Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. Case No. 80 of 2023 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/relative 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. Before parting, this Court would like to put on record its word of appreciation for Ms. Devyani Shekhar, learned counsel for the petitioner for the proper assistance rendered in the matter.

(Rajiv Roy, J)

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