

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27417 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- CHAKAND District- Gaya

1.

Birendra Yadav Son of Sipan Yadav @ Sitaram Yadav Resident of Village - Kandi, P.S. - Chandauti, District - Gaya
2.

Vinay Yadav Son of Birendra Yadav @ Balindu Yadav Resident of Village - Kandi, P.S. - Chandauti, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s

:

Mr. Mahendra Thakur, Advocate
Mr. Vijay Kumar, Advocate

For the Opposite Party/s

:

Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2

20-05-2024

Heard Ld. counsel for the petitioners and Ld. APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Chakand PS. Case No.-434 of 2023-, registered for the offences punishable under Sections 147, 148, 149, 341,323, 307, 353, 337, 338, 379, 427, 504, 413, of the Indian Penal Code, Sections 21 MM(D & R) and 56 BM(CPIMTS) Act.

3. The prosecution case as emerging from the FIR is that three tractors loaded with 125 Cft. illegal sand were seized by the police and while arranging for alternative drivers for taking said tractors to the police station, local people including the Petitioners gathered and started abusing and pelting stones



over the police personnel, due to which they sustained injuries and government vehicles were also got damaged.

4. Ld. counsel for the petitioners submit that the Petitioners are innocent and have falsely been implicated in this case. He further submits that in the present case, altogether 24 persons are made accused. He further submits that the accused has been named in the FIR on account of statement of the local *chowkidar*. However, in such alleged offence by a mob, it is very difficult for a chokidar to identify all accused persons. He further submits that there is no specific allegation against the Petitioner and the alleged tractor involved also does not belong to him. His name has been given by the police only on the basis of suspicion.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioners have no criminal antecedents.

7. Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named,



to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. A.C.J.M.-Xth, Gaya, in connection with Chakand PS. Case No.-434 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

Chandan/
shailendra-

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