

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30513 of 2024

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

Dablu Kumar Son of Jhooman Yadav, Resident of Village - Saripur, Police
Station - Sandesh, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Shashank Shekhar, the learned counsel for
the petitioner and Ms. Renu Kumari, the learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his 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 petitioner submits that petitioner has falsely been implicated in the present case. He further submits that upon perusal of the FIR, it appears that the petitioner has not committed any offence as alleged in the FIR. As per allegation in the FIR, the petitioner 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 petitioner, 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 petitioner and submits that petitioner carries four criminal antecedents other than the present one, however, he fairly admits that the petitioner is on bail in all the pending matters.

6. Considering the aforesaid facts and circumstances,



let the petitioner, above-named, in the event of his 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) 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). Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned 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 learned 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 learned 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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