

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38454 of 2024

Arising Out of PS. Case No.-567 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

1. Gurudev Yadav @ Gurudev Kumar Son Of Katan Yadav @ Kanak Lal Yadav Village- Mohadipur, Ps- Jagdishpur Dist- Bhagalpur
2. Domi Yadav @ Pawan Yadav Son Of Manni Yadav Village- Mohadipur, Ps- Jagdishpur Dist- Bhagalpur
3. Mantu Yadav @ Manish Kumar Son Of Chhedhi Prasad Village- Mohadipur, Ps- Jagdishpur Dist- Bhagalpur
4. Goutam Yadav @ Goutam Kumar Yadav Son Of Rajjo Yadav @ Rajendra Prasad Yadav Village- Mohadipur, Ps- Jagdishpur Dist- Bhagalpur
5. Rajiv Yadav @ Rajiv Kumar Son Of Umesh Yadav Village- Mohadipur, Ps- Jagdishpur Dist- Bhagalpur
6. Gurav Kumar @ Gaurav Kumar Son Of Jaldhar Yadav Village- Mohadipur, Ps- Jagdishpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 39456 of 2024

Arising Out of PS. Case No.-567 Year-2023 Thana- JAGDISHPUR District- Bhagalpur

1. Guru Dayal Pandit Son of Late Pappu Pandit Resident of Village- Modipur, P.S- Jagdishpur, Dist- Bhagalpur
2. Ritesh Yadav Son of Karu Yadav Resident of Village- Modipur, P.S- Jagdishpur, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 38454 of 2024)

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 39456 of 2024)

For the Petitioner/s : Mr. Rajive Ranjan Singh, Adv.

For the Opposite Party/s : Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

2 12-07-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Jagdishpur P.S. Case No. 567 of 2023, registered for the alleged offence under Sections 147, 148, 149, 353, 307, 379, 504, 506 of the Indian Penal Code, Section 27 of the Arms Act and Section 56 of Bihar Minerals (Concession, Prevention of Illegal Mining, and Transportation & Storage) Amendment Rules, 2021.

03. As per prosecution case, the informant received information about illegal excavation of sand and when the police party reached at the spot, the miscreants, who were taking out sand from the bank of *Chanan* river, opened fire upon the police party. The three co-accused persons were found firing while running away from the spot and the petitioners and others were also identified by the local chowkidar, as the persons who fled away from the spot.

04. Learned counsel for the petitioners submits that petitioners are innocent and have been falsely implicated in this case. The petitioners have been named in this case on the basis of saying of the local chowkidar and the informant has specifically named three co-accused persons, who were firing from their

weapons while fleeing away from the spot. Learned counsel further submits there is no specific allegation of assault against petitioner and allegations are general and omnibus against them. No specific overt act has been attributed to the petitioners and no case under Section 307 of the Indian Penal Code is made out against the petitioners. The petitioners have no concern with the occurrence as alleged and they are not connected in any manner with the sand business or the tractor seized from the spot. No injury has been caused to any of the police personnel and nothing incriminating has been recovered from person or possession of the petitioners. Learned counsel reiterates that the petitioners have been made accused due to ill will of the local chowkidar. Learned counsel further submits that in Cr. Misc. No.38454 of 2024 petitioner nos. 3, 4. and 6 are having one criminal antecedent in which they are on bail and petitioner nos. 1, 2 & 5 are having clean antecedent and in Cr. Misc. No. 39456 of 2024, petitioner no. 1 is having clean antecedent and petitioner no. 2 has one criminal antecedent in which he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail. Learned APP submits that there is allegation against the petitioners and other for opening fire against the police party.

06. Having regard to the facts and circumstances and

submission made on behalf of the parties and considering the fact that the petitioners were made accused on saying of local chowkidar and further considering possibility of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhagalpur/concerned court in connection with Jagdishpur P.S. Case No. 567 of 2023, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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