

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41374 of 2024

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

1. Surendra Yadav, aged about 43 years, Male, Son of Damodar Yadav, Resident of Village - Kandi Bitho, P.S. - Chandauti, District – Gaya.
2. Rakesh Kumar @ Rakesh Yadav, aged about 33 years, Male, Son of Nanhak Yadav, Resident of Village - Kolha, P.S. - Khizersarai, District – Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 16-07-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners apprehend their arrest in connection with Chakand P.S. Case No. 434 of 2023 instituted for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 337, 338, 379, 427, 504, 413 of the Indian Penal Code and Sections 21/56 MM (D&R) Act.

3. As per the prosecution case, the allegation against the petitioners and other accused persons are that they gathered and started abusing and break biting at the police personals due to which the police personals suffered injuries and also government vehicles have been damaged.



4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have falsely been implicated in this case merely on the basis of suspicion. He next submits that the local Chaukidar merely on suspicion disclosed the name of the petitioners. Nothing specific has been made against the petitioners rather the allegations are quite general and omnibus. He next submits that there is no any independent witnesses, who have supported the prosecution case. He further submits that the petitioners are neither the owner nor the claimant of the said tractor and they belong from different village and they have no concerned with the place of occurrence. There is no any specific allegation attributed against the petitioners.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Additional Sessions Judge-XVI, Gaya dated 27.03.2024, it appears that the local Chaukidar merely on suspicion disclosed the name of the persons including the petitioners, who have made break biting and took away the seized tractors. From perusal of the records, it also appears that there are 24 accused persons including the petitioners and one person identified all persons are local Chaukidar. Similarly



situated two accused persons namely Birendra Yadav and Vinay Yadav have been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 27417 of 2024 vide order dated 20.05.2024, so considering all these aspects let these petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Xth, Gaya in connection with Chakand P.S. Case No. 434 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

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