

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52037 of 2024

Arising Out of PS. Case No.-448 Year-2023 Thana- ATRI District- Gaya

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Mantu Yadav @ Mantu Kumar Son of Sanjay Yadav @ Sanjay Kumar,
Resident of Village - Gohchak, P.S.- Atri, District - Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-08-2024 Heard Mr. Arvind Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Zainul Abedin,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Atri P.S. Case No. 448 of 2023 registered under Sections
147, 149, 323, 341, 353 and 386 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
petitioner, along with other accused persons, manhandled the
police officials, while they were performing their official duty.

4. Learned counsel appearing on behalf of the
petitioner submitted that petitioner is innocent and he has falsely
been implicated in the present case. Learned counsel also
submitted that the allegedly illegal sand was loaded on the
tractor and 25 to 30 people had protested from seizing the said



tractor and no seizure list has been produced. Learned counsel further submitted that a general and omnibus allegation has been levelled against the petitioner. On these grounds, the petitioner seeks to be released on bail.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Considering the fact that in support of the allegation that illegal sand was found on the tractor and 25 to 30 people had protested from seizing the said tractor, in absence of any seizure list and a general and omnibus allegation has been levelled against the petitioner, I am of the opinion that the petitioner has, *prima facie*, made out a case to be released on pre-arrest bail.

7. The learned District Court is directed to release the petitioner on anticipatory bail, in the event of his arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Atri P.S. Case No. 448 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify



the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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