

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56080 of 2024

Arising Out of PS. Case No.-68 Year-2019 Thana- BARHAT District- Jamui

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Banarasi Yadav Son Of Late Mishri Yadav Village- Darha, P.S- Barhat, Dist-
Jamui Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 09-08-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Barhat P.S. Case No. 68 of 2019, registered for the offence(s)
punishable under Section(s) 353, 332, 333, 336, 337, 338, 427,
379, 411/34 of the Indian Penal Code and Section 4 and 40
BMMC Rules 1972 and section 8(a) of Bihar Mineral (Prevention
of Illegal Mining Transportation & Storage) Rules, 2003 and
Section 15 of the Forest & Environment Act

3. Mr. Amrendra Kumar, learned counsel for the
petitioner submits that the petitioner has fair and clean antecedent,
he is not named in the FIR and later on, during investigation he
was made accused merely on the basis of suspicion as 20-25
unknown persons were alleged to be involved in creating obstacle
and pelting stones in discharging the official duty of the police
personnel but the petitioner is neither owner of the alleged tractor



nor driver of it, so, there was no reason for him to be involved in the commission of the alleged occurrence.

4. Mr. Shyameshwar Dayal, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account the petitioner's fair and clean antecedent and also the fact that he is not named in the FIR and the FIR has been registered against 5 named accused persons as well as 20-25 unknown persons, in my opinion, in the said circumstances, the petitioner deserves to the privilege of anticipatory bail. Accordingly, let the petitioner named-above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail in connection with Barhat P.S. Case No. 68 of 2019 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Shailendra Singh, J)

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