

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54287 of 2024

Arising Out of PS. Case No.-291 Year-2021 Thana- RAMPUR District- Gaya

Raushan Kumar, S/O Heera Yadav @ Jhunjhun Yadav, R/O Village-Shiriyaghat Ramna Road, P.S- Civil Lines, Distt.- 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. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-09-2024 Heard Mr. Vijay Kumar, learned Advocate for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Rampur P.S. Case No. 291 of 2021 registered for the offences punishable under Sections 147, 148, 149, 307, 382, 353, 333 of the Indian Penal Code and Section 27 of the Arms Act.

3. In course of patrolling, the police on receipt of information that two tractors loaded with illegal sand have been seized and kept in the Circuit house, proceeded there. In the meantime, 30-40 persons came there and entered in the Circuit house and started brick batting on the police. It is also alleged that the miscreants made firing at the police, due to which a constable also sustained injury. The miscreants also took away the seized tractors. However, some of the accused persons, who



were came on motorcycle, left their the motorcycles, in course of fleeing away, which were seized by the police personnel. The local Chaukidar has identified 16 persons, including the petitioner, on CCTV footage.

4. Learned Advocate for the petitioner contended that there is omnibus nature of allegation against all the named accused persons. The injury, which is said to have been found to one of the police personnel is found to be simple in nature. Save and except the material that the accused persons were identified on CCTV footage, there is no other material, however, it has also not been disclosed as to what role has participated by the petitioner in the crime. Taking note of the aforesaid fact, two of the co-accused persons, having identical allegation, have been allowed the privilege of anticipatory bail by the court below itself in ABP No.1571 of 2022. It is also the contention of the petitioner that the other co-accused, who were apprehended by the police personnel, they have been allowed regular bail by this Court. It is lastly contended that as per the instruction given by the petitioner, till date Process under Sections 82/83 of the Cr.P.C. has not been issued.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the



petitioner was one of the person, who was indulged in opening brick bat and forcefully taking away the tractor loaded with sand, apart from the aforesaid fact, the petitioner also bears one criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the co-accused persons, having identical allegation, have been allowed bail by the court below after taking into consideration the omnibus nature of allegation and the fact that the police personnel has sustained simple injury, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Rampur P.S. Case No. 291 of 2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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