

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55190 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- BARHAT District- Jamui

RAHUL SINGH S/O UPENDRA SINGH R/O VILLAGE- BHALUKA,
MATEPUR, P.S- BARHAT, DISTT.- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2024 Heard the parties.

2. The petitioner is apprehending arrest in connection with Barhat P.S. Case No. 46 of 2024 instituted under Sections 341, 323, 325, 353, 504, 506/34 of the Indian Penal Code lodged on 10.04.2024 by the informant, Praveen Kumar.

3. As per the prosecution story, the informant alleged that while they were on patrolling, heard the sound of tractor coming from the Forest, the same was intercepted and recovered/seized 70 CFT forest stone chips, though, the driver managed to escape. As the informant was taking the tractor to Barhat forest office driving the same, the owner of the tractor, Manoj Yadav and Sanoj Yadav stopped the tractor and also called other accused persons including the petitioner, Rahul Singh and thereafter assaulted the informant causing injuries on



his hand. The informant escaped and went to the police station and in the meantime, the accused took the tractor away. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the tractor belongs to Manoj Yadav and Sanoj Yadav, he has been implicated only because he was passing through the area. The last submission is that without accepting the allegation and/or the outcome of the present petition, the petitioner intends to contribute Rs. 10,000/- to the Chief Minister's Relief Fund through Bank Draft issued by the local branch of the State Bank of India.

5. Learned APP opposes the prayer submitting that his name has also come in the FIR that he came alongwith Manoj Yadav and Sanoj Yadav and assaulted the informant.

6. Taking into account the aforesaid facts as also that there is no injury report on record, the petitioner do not have criminal antecedent, FIR lodged, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail subject to payment of Rs.10,000/- the Chief Minister's Relief Fund through Demand Draft issued by the local branch of the State Bank of India.

8. Let the petitioner be released on bail, in the event



of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with Barhat P.S. Case No. 46 of 2024 to the satisfaction of learned Chief Judicial Magistrate, Jamui, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for



cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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