

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67825 of 2024**

Arising Out of PS. Case No.-387 Year-2015 Thana- GAYA MUFASIL District- Gaya

Suresh Yadav S/o Ramlakhan Yadav R/o Village- Ganjas, P.S.- Muffasil,
District- Gaya, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 22-11-2024 Heard the learned counsel for the petitioner and
learned APP for the State.

2. This is an application for grant of anticipatory bail in connection with Gaya Muffasil P.S. Case No.387 of 2015, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 332, 333, 353, 307, 504 of the IPC and 27 of Arms Act.

3. The accusation is with regard to altercation having taken place in between two groups of the village in question whereafter, the police force had arrived and tried to pacify the matter, however, the mob became aggressive and started pelting stones and bricks, resulting in the police personnel sustaining injuries. In the FIR, altogether 37 persons have been named,



including the petitioner, apart from 400-500 unknown villagers.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case. It is further submitted that though the petitioner is accused in three other cases, but he is on bail in the said three cases. It is also submitted that no specific allegation of any sort of overact has been levelled against the petitioner and it has not been alleged that any government property has been damaged, hence a sympathetic view be taken. The learned counsel for the petitioner further submits that the petitioner undertakes to abide such conditions as may be deemed fit and proper to be imposed by this Court, for the purposes of grant of anticipatory bail. Lastly, the learned counsel for the petitioner has submitted that similarly situated co-accused persons have already been granted the privilege of anticipatory bail by co-ordinate Benches of this Court, vide order dated 30.08.2017, passed in Cr. Misc. No.40223 of 2017 and vide order dated 31.03.2016, passed in Cr. Misc. No.13728 of 2016. It is also submitted that this Court had also granted the privilege of regular bail to a co-accused person, vide order dated 06.07.2017, passed in Cr.Misc.No.30726 of 2017.

5. *Per contra*, the learned APP for the State has



vehemently opposed the prayer for grant of anticipatory bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, as also taking into account the materials available on record, this Court finds that a general and omnibus allegation has been levelled against the petitioner and he has not been alleged to have damaged any government property, apart from the fact that some co-accused persons have already been granted the privilege of anticipatory bail, hence I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

7. Accordingly, the above named petitioner is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned JM 1st Class, Gaya in connection with Muffasil P.S. Case No.387 of 2015, subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

8. It is further directed that the petitioner shall mark his presence before the officer-in-charge of the concerned police



station at 10:00 am. on every Monday, starting from the day he is released on bail, and in case of failure to do so on two consecutive occasions, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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