

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62132 of 2024

Arising Out of PS. Case No.-570 Year-2022 Thana- JAMUI District- Jamui

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1. Chandan Yadav @ Brahma @ Bambam Yadav Son of Prakash Yadav Resident of Village - Manjhwey, P.S.- Jamui, District - Jamui.
 2. Vikash Yadav Son of Ganesh Yadav Resident of Village - Manjhwey, P.S.- Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 04-10-2024 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Jamui P.S. Case No. 570 of 2022 dated 03.11.2022 registered for the offence punishable u/ss 188, 353, 341, 323, 307, 224, 225, 279, 420, 379, 411, 120B of the Indian Penal Code and u/s 27 Arms Act, u/s 21 MMDR 56(ii) Bihar Mining Act.

3. As per the prosecution case, the informant was deputed as Officer of controlling and checking illegal carriage of sand, gitti and liquor and on 03.11.2022 at about 5:15 P.M., he was on duty at Chhatuthnama, in the meantime, he saw that



two tractors loaded with sand were coming from Manjhway and when the informant tried to stop them, then both drivers of the tractor in order to kill the informant and his other associates drove the tractor rashly towards them and when the police personnel tried to restrain the tractors, other villagers came there with lathi and danda and they started scuffling with police party and the informant and in the course of scuffle, some of the police personnel became injured, and villagers forcibly took away the apprehended persons. It is further alleged that on the information of the informant extra police force came at the P.O., then the petitioners and the other co-accused persons started firing on the police personnel and they fled away. Both the tractors were seized by police, on which, 110 cubic feet sand were loaded. Two empty cartridges were also recovered from the P.O. Chawkidar namely, Shankar Paswan and other spy of the police have disclosed the name of the miscreants including the petitioners.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. It is further submitted that there is general and omnibus allegation against the petitioners. Learned counsel has further submitted that the petitioners are neither the



owner nor the driver of the said tractors. It is further submitted that the doctor who examined police constable, found all injuries on non-vital part of the body. Similarly situated co-accused has already been granted anticipatory bail by this Court vide order dated 10.01.2024 passed in Cr. Misc. No. 46202 of 2023. The petitioners has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Jamui in connection with Jamui P.S. Case No. 570 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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