

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69810 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- BARABAR TOURIST District- Jehanabad

1. Rambali Yadav, Son of Late Chhotu Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad
2. Ramsubit Yadav @ Ram Sumit Yadav, Son of Rambali Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad
3. Dara Yadav @ Pravindra Kumar, Son of Rambali Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad
4. Satish Kumar, Son of Rambali Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad
5. Arun Kumar, Son of Rambali Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad
6. Gehulal Yadav @ Mitendra Kumar, Son of Surendra Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad
7. Sikandar Kumar, Son of Ram Chandra Yadav, R/o Village- Kanhaiya Bigha PS- Barabar Paryaton Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Shalu Sinha, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard Ms. Shalu Sinha, learned counsel for the
petitioners and Mr. Madan Kumar, learned APP for the State.

2. The petitioners apprehend their arrest in connection with Barabar Paryaton P.S. Case No. 46 of 2024 registered for the offences punishable under Sections 147, 148, 149, 186, 341, 323, 342, 307, 332, 333, 337, 338 and 353 of the Indian Penal Code.



3. Based upon the written report, the prosecution alleges that on 17.05.2023, the police on a secret information conducted a raid over the bank of Falgu River and seized a tractor loaded with sand. However, noticing the police party, the driver and other persons succeeded in fleeing away. After making seizure of the tractor, when the informant and other police personnel reached near Alua Bigha bridge along with the subject tractor, in the meantime, 10-15 persons armed with various weapons forcibly took away the seized vehicle and pelted stone over the police personnel.

4. Learned counsel for the petitioners contended that petitioner no.1 is the owner of the tractor in question. So far petitioners no. 2, 3, 4 and 5 are concerned, they are the sons of the petitioner no.1 and others are the villagers. The name of the petitioners have transpired on the disclosure made by the local chowkidar. Save and except the omnibus nature of allegation, there is no specific allegation against any of them. In fact, the tractor was engaged in valid transportation of sand and the petitioners have no connection with the illegal mining. However, only on account of some altercation which took place between the police and the accused persons, their names have been implicated in this case. There are various other infirmities in the search and



seizure, coupled with the fact that the impugned order also suggests that none of the police personnel has sustained any injury. It is lastly contended that be that as it may, the petitioners have absolutely fair antecedent and they undertake that they will fully cooperate in the investigation and the proceeding of the Court.

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that there is serious allegation against the petitioners that they caused obstruction in discharge of the public duties, apart from the fact that petitioner no.1 is the owner of the tractor, which was found indulge in illegal mining. In the incidence, the accused persons also damaged the police vehicle.

6. Regard being had to the submissions made on behalf of the parties and considering the omnibus nature of allegation and the fact that the name of the petitioners have been disclosed by the local chowkidar, coupled with their fair antecedent, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned J.M.F.C.,



Jehanabad in connection with Barabar Paryaton P.S. Case No. 46 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C., with further condition that one of the bailors shall be the own/close family members of the petitioners.

(Harish Kumar, J)

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