

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73132 of 2024

Arising Out of PS. Case No.-157 Year-2023 Thana- ROSHANGANJ District- Gaya

Pramod Yadav Son of Jhaksi Yadav Resident of Village- Harankel, P.S.-
Amas, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate

For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-10-2024 Heard Mr.Md. Javed Jafar Khan, learned counsel
for the petitioner and Mr.Uday Pratap Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Roshanganj (Bankebazaar) P.S.Case No.157 of 2023,FIR dated 01.06.2023 registered for the offences punishable under Sections 147, 148, 149, 341, 342, 427, 436, 384, 385, 120(B), 379 of IPC and Section 27 of Arms Act.

3. As per F.I.R. allegation against the petitioner is that petitioner along with other accused armed Lathi-Danda, iron rod, pistol reached at the Balughat Cluster No. 31 near Manohar River and set fired in a Hywa bearing registration No. BR-02P-9915 after poured petrol over it by accused Madhuri Devi and set fired by matchstick with the help of Prem Paswan. It is



further alleged that petitioner along with other accused persons damaged vehicles and POKLANE by using iron rod and lathi-danda of the informant's property recklessly. They also demanded ransom of Rs.1,000/- per loading of vehicle of sand and snatched cash sale amount of Rs.67,000/- from the office of Balughat and destroyed all edible items there.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case due to village politics. Further submits that from a bare perusal of the FIR it appears that although the petitioner is named in the FIR but there is no specific allegation of any assault or overt-act attributed against the petitioner rather the specific allegation of assault is attributed against co-accused person, namely, Prem Paswan and co-accused persons, namely, Kaushal Kumar & Ors., against whom the similar allegation, have been granted privilege of anticipatory bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No.16037 of 2024.

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

6. Considering the aforesaid facts, petitioner has clean antecedent, there is no specific allegation of any assault or



overt-act attributed against the petitioner and co-accused persons, namely, Kaushal Kumar & Ors., against whom the similar allegation, have been granted privilege of anticipatory bail by this Court, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Sherghati, Gaya in connection with Roshanganj (Bankebazaar) P.S.Case No.157 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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