

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72442 of 2024

Arising Out of PS. Case No.-39 Year-2024 Thana- MESKAUR District- Nawada

Amish Kumar @ Manish Kumar @ Manish Yadav Son of Late Awadh Bihari
@ Bijay Yadav R/o Village -Patuhla, P.S. -Wazriganj, Distt. -Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar, Advocate

For the Opposite Party/s : Mr.Ram Sumiran Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-10-2024 Learned counsel for the petitioner is permitted to
make necessary correction in provision of law under which the
present bail petition has been filed, during the course of the day.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in
connection with Meskaur P.S. Case No. 39 of 2024 registered
for the offences punishable under Sections 119(2), 191(3), 190,
120(1), 115(2), 118(2), 109, 121(1), 121(2), 74, 132, 303(2),
317(2), 352, 351(2) of the B.N.S, 2023.

3. As per prosecution case, informant received
secret information that tractor in question was being loaded by
some persons. Informant alongwith police officials reached at
the place of occurrence and seized the said tractor in question



and drove the same towards police station. In the meanwhile, eight persons on three motorcycles armed with shovel (*belcha*) came and co-accused wearing sky blue T-shirt and blue trouser stopped his motorcycle in front of the said tractor and while stopping the said tractor, the motorcycle was dashed due to which the said person sustained minor injury. Thereafter, the aforesaid person, with the intention of killing, assaulted upon the head of police Anuj Kumar Dubey (driver) as a result of which he sustained injury at his temple and fell down from the tractor. Thereafter, co-accused wearing blue T-shirt started snatching S.L. Rifle from the hand of constable Sonu Kumar and others co-accused persons started beating informant and others. The aforesaid co-accused wearing blue T-shirt started beating the informant with slaps and dashed him on the ground. Co-accused wearing white T-shirt caught the hand of female constable Shrishti Sinha and assaulted her by means of fists and slaps. Thereafter, co-accused wearing blue T-shirt started running away with the seized tractor with the help of other co-accused persons and fled away from the place of occurrence. Thereafter, co-accused Ashish Yadav @ Ashish Kumar was apprehended on the spot and he disclosed the name of petitioner and others who fled away from the place of occurrence.



4. Learned counsel for the petitioner submits that except disclosure of co-accused Ashish Yadav @ Ashish Kumar, there is nothing on record to demonstrate the complicity of the present petitioner with the alleged occurrence. Seizure list has not been made as per law. No incriminating article has been recovered from the possession of the petitioner. Petitioner is not the owner of any of the seized vehicles in question. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of petitioner, argument advanced on behalf of both sides and also taking into consideration the material available on record, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned J.M., Ist Class, Nawada in connection with Meskaur P.S. Case No. 39 of 2024, subject to the conditions as laid down under Section 482 of the BNS, 2023.



7. The application stands allowed.

(Alok Kumar Pandey, J)

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