

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5056 of 2024

Arising Out of PS. Case No.-743 Year-2023 Thana- BARACHATTI District- Gaya

BINOD YADAV SON OF LILDHARI YADAV R/O VILLAGE- KEWLA
TOLA MASAUNDHI, P.S.- MOHANPUR, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 20-02-2024 Heard Mr. Shivendra Prasad, learned counsel for the

petitioner and Mr. Shyam Kumar Singh learned APP for the

State.

2. The petitioner is apprehending his arrest in connection with Barachatty (Mohanpur) P.S. Case No. 743 of 2023 for the offence under Sections 147, 148, 149, 186, 341, 323, 333, 353, 307, 504 and 506 of the I.P.C. lodged on 07.08.2023, by the informant, Mukesh Singh.

3. As per the prosecution story, the allegation against the petitioner is that in Barachatty P.S. Case No 347 of 2022, a tractor was seized but the police got confidential information that the same is being taken away and used for ploughing the field. The police reached the place and found the tractor and tried to take it away when the accused persons assembled and



assaulted the police. As a result, they had to retreat. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that under confusion that the tractor that was seized in Barachatty P.S. Case No. 347 of 2022 is the same tractor, the police reached there and as they objected to it, it followed some scuffle which resulted in them falling down and an exaggerated FIR has been lodged.

5. Learned counsel for the petitioner further submits that in the earlier Barachatty P.S. Case No. 347 of 2022, the allegation is of taking away the forest woods loaded on the said tractor, in that background, irrespective of outcome of the present case, the petitioner wants to pay Rs. 15,000/- to green the Police Station i.e. to say the Barachatty Police Station under Sherghatti sub-division in the District of Gaya.

6. Learned APP opposes the prayer stating that the scuffle took place with the police when they tried to take away the seized tractor.

7. Taking into account the submissions put forward by the parties, there is omnibus allegation against the accused persons including the petitioner, FIR lodged, he will ultimately be facing the trial, this Court is inclined to extend him the



privilege of anticipatory bail subject to payment of Rs. 15,000/- to the Barachatty Police Station, through its Station House Officer.

8. The amount of Rs. 15,000/- so paid by the petitioner shall be used exclusively to green the Police Station inasmuch as it will be for the purchase of flower pots, flowers as also some other seasonal plants depending upon the area that is available in the Police Station. The Bills of the amounts so spent shall be provided by the Station House Officer, Barachatty Police Station to the concerned Court and the petitioner will also be entitled to a copy of the said money receipt as he has undertaken to pay the amount which will be used only to green the Police Station and not for any other purpose.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM, II, Gaya in connection with Barachatty (Mohanpur) P.S. Case No. 743 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show



his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

10. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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