

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86312 of 2023**

Arising Out of PS. Case No.-643 Year-2023 Thana- GARKHA District- Saran

1. Sanjay Kumar Rai @ Sanjay Rai SON OF LATE KEDAR RAI Resident of village- Jilkabad Ps -Garkha District- Saran
2. Shyambabu Kumar Son Of Late Munka Rai Resident Of Village- Tahal Tola, Ps- Garkha, Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Rajesh Kumar Singh, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 29-01-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Garkha P.S. Case No. 643 of 2023 instituted under under Sections 147, 148, 149, 323, 353, 307, 120(B), 504, 506 of the Indian Penal Code and section 27 of the Arms Act lodged on 27.10.2023 by the informant, Amitesh.

3. As per the prosecution story, the police party reached the place on information of illegal mining and seized eight sand loaded trucks. The allegation is that the accused persons thereafter resorted to pelting stones. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they have no role to play in the matter but have been implicated due to village politics assigning them the role of the members of the mob. Further, irrespective of the outcome



of the present case and/or accepting the allegation, the petitioners intend to contribute Rs. 5000/- each to the District Legal Services Committee, Chapra.

5. Learned APP opposes the prayer for bail stating that they are members of the mob.

6. Considering the submission put forward by the parties as also that the petitioners do not have criminal antecedents, only the role of members of the mob has been assigned, this Court is inclined to extend them privilege of anticipatory bail subject to payment of Rs. 5000/- each to the District Legal Services Committee, Chapra.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Garkha P.S. Case No. 643 of 2023 to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Saran at Chapra subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

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



his/her bona fide;

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall co-operate in the investigation and make themselves available to the police as and when required;

(iv) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(v) the petitioners 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;

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

(Rajiv Roy, J)

Ravi/-

U		T	
---	--	---	--

