

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3981 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- NAVINAGAR District- Aurangabad

Bhairav Yadav son of late dashrath yadav resident of village mahuaon p.s.
badem p.o. district - aurangabd (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 30758 of 2024

Arising Out of PS. Case No.-420 Year-2023 Thana- NAVINAGAR District- Aurangabad

Raju Kumar Gupta Son Of Lalamohan Saw @ Lal Mohan Sao Resident Of
Village - Mahuwan, P.S. - Badem O.P., Nabinagar, District - Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3981 of 2024)

For the Petitioner/s : Mr.Binod Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 30758 of 2024)

For the Petitioner/s : Mr.Ashok Kumar Singh, Advocate

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State in both the cases.

2. The petitioners in both cases seek regular bail in
connection with Nabinagar P.S. Case No. 420/2023 lodged on
01.11.2023 under Sections 147, 149, 332, 333, 379, 411, 427,
353, 307, 302, 120B of the Indian Penal Code.



3. As per the prosecution case, the FIR has been lodged against seven named accused persons including the petitioners. It is alleged that petitioner Bhairav Yadav (in Criminal Miscellaneous No. 3981 of 2024) had arranged a tractor for the illegal mining of sand and the petitioner Raju Kumar Gupta (in Criminal Miscellaneous No.30758 of 2024) along with other accused persons were working as liner. It is specifically alleged that the tractor which was arranged by the petitioner Bhairav Yadav (in Criminal Miscellaneous No. 3981 of 2024) on which illegal sand was loaded had dashed a constable, as a result of which, the constable died on the spot.

4. Learned counsel for the petitioner Bhairav Yadav (in Criminal Miscellaneous No. 3981 of 2024) submits that the petitioner is innocent and has committed no offence. He is in custody since 24.11.2023 having clean antecedent. He further submits that the tractor on which the illegal mining was going on does not belong to him. The allegation is false and fabricated. He further submits that in addition to that it has come that the petitioner along with one accused was found going by his motorcycle whose registration number has been mentioned. He further submits that the bail application of three accused persons have been considered by this Court in which the person who



was responsible for dashing the Constable has been rejected whereas two other accused persons have been granted bail vide order dated 10.04.2024 passed in Criminal Miscellaneous No. 86371 of 2023 along with other analogous cases. Learned counsel for the petitioner Raju Kumar Gupta (in Criminal Miscellaneous No.30758 of 2024) submits that the petitioner is innocent and has committed no offence. The petitioner is in custody since 01.11.2023 having no criminal antecedent. It is jointly submitted that the petitioners are ready to fulfill all the conditions whatsoever may be imposed upon them.

5. On the other hand, learned counsel for the State opposes the prayer for bail and submits that the petitioners are responsible along with other co-accused persons for causing the death of the constable who was opposing the illegal mining.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioners above named in both the cases be released on bail, **but only two months after framing of charge, if not framed**, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM(I), Aurangabad, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure



with other following conditions:

(i) One of the bailors should be the family member of the petitioners who shall provide an official document to show his *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 his bail bonds by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every month for one year to mark attendance;

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

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

(Dr. Anshuman, J)

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