

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66691 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- BARHAT District- Jamui

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1. Manoj Yadav S/o Mohan Yadav Resident of Village - Karman, PS- Malaypur, District- Jamui
 2. Sanoj Yadav S/o Mohan Yadav R/o vill - Karman, P.S. - Malaypur, Distt. - Jamui
 3. Prabhu Koda S/o Karu Koda R/o vill - Borwadih, P.S. - Barhat, Distt. - Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Parasar, Advocate
For the State	:	Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2025

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Barhat P.S. Case No. 46 of 2024 for the offence under Sections 341, 323, 325, 353, 504, 506 and 34 of the Indian Penal Code, lodged on 10.04.2024 by the informant, Praveen Kumar.

3. As per the prosecution story, the informant alleged that while they were on patrolling, heard the sound of tractor coming from the Forest, the same was intercepted and recovered/seized 70 CFT forest stone chips, though, the driver managed to escape. As the informant was taking the tractor to



Barhat Forest Office driving the same, the owner of the tractor, Manoj Yadav and Sanoj Yadav stopped the tractor and also called other accused persons and thereafter assaulted the informant causing injuries on his hand. The informant escaped and went to the Police Station and in the meantime, the accused took the tractor away. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that the tractor belongs to petitioner no. 1 and 2 and they were only making query with the Forester but different colour was given which resulted into their implication, so far as petitioner no.3 is concerned he is not the owner of the tractor, assault theory has been assigned to him and one of the co-accused namely Rahul Singh has been granted bail by this Court in Cr. Misc. No. 55190 of 2024 and the last submission is that without accepting the allegation and/or the outcome of the present petition the petitioners intends to contribute of Rs.10,000/- each totalling Rs.30,000/- through separate Demand Draft issued by the local State Bank of India branch irrespective of which Rs.20,000/- to the Chief Minister's Relief Fund and Rs.10,000/- to the informant namely Praveen Kumar for medical assistance and the receipt has to be submitted before the Trial Court.

5. Learned APP opposes the prayer submitting that



the tractor belongs to petitioner no. 1 and 2 and on their provocation the other accused persons assembled which resulted into this episode.

6. Taking into account the aforesaid facts and submissions put forward by the parties, F.I.R. is there, they will be facing the trial, they do not have criminal antecedent, one of the co-accused has been granted relief, in that background, this Court is inclined to extend them the privilege of anticipatory bail subject to payment of Rs. Rs.10,000/- each totalling Rs.30,000/- through separate Demand Draft issued by the local State Bank of India branch irrespective of which Rs.20,000/- to the Chief Minister's Relief Fund and Rs.10,000/- to the informant namely Praveen Kumar for medical assistance by Demand Draft of local State Bank of India and the receipt has to be submitted before the Trial Court.

7. Let the petitioners 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 Judicial Magistrate 1st Class, Jamui, in connection with Barhat P.S. Case No. 46 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., as



also with the following conditions:-

(i) one of the bailor should be the family member/relative 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 his/her bail bond by the Trial Court itself;

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

(iv) 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;

(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 bail bonds.

(Rajiv Roy, J)

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