

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61806 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- CHAKAND District- Gaya

Sonu Kumar Son of Krishna Yadav R/O Vill.- Bithosarif Kandi, P.s.-
Chakand, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74562 of 2024

Arising Out of PS. Case No.-434 Year-2023 Thana- CHAKAND District- Gaya

1. Dhiraj Yadav @ Dheeraj Yadav S/o- Rambali Yadav Village- Bithosarif
Kandi PS- Chakand District- Gaya
2. Suraj Kumar Son of Shahi Yadav Village- Bithosarif Kandi PS- Chakand
District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 61806 of 2024)

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

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

(In CRIMINAL MISCELLANEOUS No. 74562 of 2024)

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

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 17-01-2025 Heard learned counsel for the petitioners and learned

APP for the State.

2. The petitioners apprehend their arrest in connection
with Chakand P.S. Case No. 434 of 2023 instituted for the
offences punishable under Sections 147, 148, 149, 341, 323,
307, 353, 337, 338, 379, 427, 504, 413 of the Indian Penal Code
and Sections 21/56 MM (D&R) Act.

3. As per the prosecution case, the allegation against



the petitioners and other accused persons are that they gathered and started abusing and break biting at the police personals due to which the police personals suffered injuries and also government vehicles have been damaged.

4. Learned counsel for the petitioners submits that petitioners are innocent have committed no offence and have falsely been implicated in this case merely on the basis of suspicion. He next submits that the local Chaukidar merely on suspicion disclosed the name of the petitioners. Nothing specific has been made against the petitioners rather the allegations are quite general and omnibus. He next submits that there is no any independent witnesses, who have supported the prosecution case. He further submits that the petitioners are neither the owner nor the claimant of the said tractor and they belong from different village and they have no concern with the place of occurrence. There is no any specific allegation attributed against the petitioners. Similarly situated co-accused persons have been granted anticipatory bail by this Court passed in Cr. Misc. No. 41374 of 2024.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioners.

6. From perusal of the FIR and the impugned order, it



appears that the local Chaukidar merely on suspicion disclosed the name of the persons including the petitioners, who have made break biting and took away the seized tractors. From perusal of the records, it also appears that there are 24 accused persons including the petitioners and one person identified all persons are local Chaukidar. Similarly situated two accused persons namely Birendra Yadav and Vinay Yadav have been granted anticipatory bail by a Bench of this Court in Cr. Misc. No. 27417 of 2024 vide order dated 20.05.2024 and also similarly situated co-accused persons have been granted bail by this Court passed in Cr. Misc. No.41374 of 2024, so considering all these aspects, let these petitioners above named in the event of their arrest or surrender before the Court below within six weeks from today, be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-Xth, Gaya in connection with Chakand P.S. Case No. 434 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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