

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36424 of 2019

Arising Out of PS. Case No.-34 Year-2016 Thana- DHANGAI District- Bhojpur

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Bhikhari Yadav @ Umesh Kumar Yadav (Male-32 years), Son of Muneshwar Singh, Resident of Village- Mahurahi, P.S.- Dhangai, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar, Adv.

For the Opposite Party/s : Mr. Ahmad Ali, APP.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 30-09-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner apprehends his arrest in connection with Dhangai P.S. Case No. 34 of 2016 registered under sections 395, 364 of the I.P.C.

The prosecution story, as per the first information report, is that the informant being the driver of the truck was going on NH-30 then all of sudden his truck was intercepted by one Bolero vehicle in which 7 to 8 miscreants were sitting. It has further been alleged that on the gun point the persons sitting in the Bolero vehicle kidnapped the informant as well as the truck in question and took him to some other place and the informant found himself in a go-down and the materials and goods kept in the truck were unloaded in that go-down and



thereafter the miscreants along with the informant proceeded towards Dumri Road where on noise being raised by the informant, police arrived and the persons sitting in Bolero as well as the truck in question were arrested by the police. It has further been alleged that some miscreants were also arrested by the police and two of them succeeded in fleeing away in which the petitioner was not there.

Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as from perusal of the first information report it would be evident that some miscreants were arrested by the police on the spot and the name of the petitioner was not disclosed by the arrested accused person. It has further been alleged that miscreants who were arrested did not disclose the name of petitioner as one of the persons who fled away from the place of occurrence. Learned counsel further submits that the petitioner has been dragged by the police in this case during the investigation with oblique motive.

Having regard to the submission made by the parties and taking into consideration the fact that no incriminating material has been recovered from the petitioner and the persons, who were arrested did not disclose the name of the petitioner as



one of the accomplices of the crime, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the petitioner, above named, in the event of arrest or surrender before the learned Court below within a period of four weeks from today shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur, Ara in connection with Dhangai P.S. Case No. 34 of 2016, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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