

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.3389 of 2020**

Arising Out of PS. Case No.-302 Year-2019 Thana- DAUDNAGAR District- Aurangabad

MANOJ YADAV, Son of Tapeswar Yadav, Resident of Village - Bhakhara,  
P.S. - Daudnagar, District - Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Ramchandra Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      23-09-2020                      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 395 and 397 of the Indian Penal Code.

The FIR of the occurrence of *dacoity* is against unknown. Name of the petitioner surfaced in the confessional statement of co-accused Nitish and Guddu. Petitioner has got criminal antecedent as mentioned in paragraph 3 of the bail petition.

Learned counsel for the petitioner submits that except confession of the co-accused before the police, there is no other material against the petitioner. Hence, the trial is bound to fail



against the petitioner.

Considering the entire material especially criminal antecedent of the petitioner, in my view, this is not a fit case for grant of anticipatory bail in connection with Daudnagar P.S. Case No. 302 of 2019 pending in the court of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad.

Hence, prayer for anticipatory bail is refused.

However, in the event of surrender of the petitioner, prayer for regular bail shall be considered without being prejudiced by this order.

**(Birendra Kumar, J)**

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