

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24019 of 2021**

Arising Out of PS. Case No.-155 Year-2020 Thana- ISHAKCHAK District- Bhagalpur

NIRANJAN YADAV @ NIRANJAN KUMAR S/o Bindeshwari Yadav R/o
village- Tehay, P.S.- Pasraha, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sharda Nand Mishra
For the Opposite Party/s : Mr.Dr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

2 08-12-2021 Heard the parties.

Learned counsel for the petitioner is directed to remove the defects as pointed out by the office within a period of four weeks. In the eventuality of non-removal of defects within the stipulated time, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Ishakchak P.S. Case No.155/2020, registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and section 27 of the Arms Act.

The crux of the prosecution case is that the named accused persons along with 2-3 unknown persons under a conspiracy have fired upon the brother-in-law of the informant, who died at the spot.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case without any cause. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The informant alleged himself to be the eye witness of the said occurrence and has named the co-accused Sanjeev Yadav, Tinku Yadaav, Bablesh Yadav, Kaushal Yadav and Amar Yadav along with 2-3 unknown persons, as the persons who repeatedly fired upon the brother-in-law of the informant causing his death but no specific allegation is levelled upon the petitioner. Only allegation against the petitioner is that he was seen fleeing away from the place of occurrence by the local public assembled there. Petitioner has no criminal antecedent, as mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the



learned court below where the case is pending/Successor Court in connection with Ishakchak P.S. Case No.155/2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C., with the following additional condition:-

(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature, thereafter the court below will be at liberty to initiate the proceeding for cancellation of anticipatory bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial, in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation and make himself available and when so required and in case of failure, the State shall be at liberty to



move for cancellation of his anticipatory bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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