

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2420 of 2021

Arising Out of PS. Case No.-281 Year-2016 Thana- MADHEPURA District- Madhepura

Amresh Yadav @ Amresh Kumar Son Of Akhilesh Yadav @ Akhilesh Kumar
Resident Of Village- Meeragarh, Police Station- Muraliganj, District-
Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Onkar Nath, Adv.

For the Opposite Party/s : Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 23-03-2021 Learned counsel for the petitioner undertakes to
remove all the defects as pointed out by office within four
weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

The petitioner in the present case is seeking pre-arrest
bail in connection with Madhepura P.S. Case No.281/2016
(G.R.No.826/2016) registered for the offences punishable under
Section 364 of the Indian Penal Code.

Earlier the prayer for anticipatory bail of the
petitioner was rejected by this Court vide order dated
21.07.2020 passed in Cr.Misc.No.17382 of 2020 giving the
following reasons:-



“Having regard to the facts and circumstances of the case wherein it appears from perusal of the First Information Report that there is an allegation against the petitioner that he had taken Rs.50,000/- from father of the informant and then on demand being made by him, this petitioner took him on the pretext of returning his money but thereafter the father of the informant did not return, considering that the case is of the year 2016 and till date the petitioner has not submitted himself to the jurisdiction of the investigating officer and the court below, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner. His prayer is thus, refused.”

Earlier when this application was taken up for consideration a submission was made on behalf of the petitioner that the father of the informant was seen in the village on the Chhat Pooja Holiday. The petitioner also filed a supplementary affidavit. After perusal of supplementary affidavit on 17.02.2021, this Court directed the Superintendent of Police, Madhepura to submit a report. The relevant part of the order dated 17.02.2021 is extracted hereinbelow:-

“The prayer for anticipatory bail of the petitioner has already been rejected earlier but this is the second attempt on his part to obtain anticipatory bail.

The change of circumstance being shown to this Court is that the father of the informant was seen in the village on the occasion of Chhat Pooja. Learned counsel submits that the father of the informant was identified by two witnesses namely



Vedanand Yadav, son of Kamleshwari Yadav and Rajesh Yadav, son of Gopal Yadav, both residents of village-Meeragarh, Ward No.5, P.O.+ P.S.-Murliganj, District-Madhepura. It is stated that such information has been given by the witnesses to the officer in-charge of Madhepura Police Station.

Let a report on the above facts be submitted to this Court after verification within a period of three weeks from today.

List this matter on 12th March, 2021.

The order be communicated to the office of Superintendent of Police, Madhepura through fax.”

Now the report of the Superintendent of Police, Madhepura has been received. In his letter no.168 dated 10.03.2021, the Superintendent of Police has informed this Court that he has got the matter investigated through the Sub-Divisional Police Officer, Sadar and the Officer In-charge Murliganj police station who had visited the village-Meeragarh together with the investigating officer. In course of investigation the witnesses Vedanand Yadav and Rajesh Yadav both have stated that in fact accused of this case (petitioner) had taken their Adhar Card for purpose of getting bail. These witnesses have made statements that they have not seen the father of the informant and in fact they do not identify him.

On perusal of the report of the Superintendent of Police, this Court finds that the petitioner has tried to obtain



anticipatory bail in the second attempt by furnishing wrong information. This has resulted in wastage of the judicial time of this Court. While rejecting this application, this Court imposes a cost of Rs.5,000/- against the petitioner.

Let this amount be deposited within four weeks from today with the Patna High Court Legal Aid Committee. In case the deposit is not made within the stipulated period, the office shall report the same to this Court.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

