

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30492 of 2021

Arising Out of PS. Case No.-165 Year-2020 Thana- MAIRWAN District- Siwan

SUNIL YADAV S/o Suresh Yadav R/o village- Imlauli, P.S.- Mairwa,
District- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Motilal Rajbhar S/o Late Bharath Rajbhar R/o village- Domdih, P.S.-
Mairwa, District- Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 31-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner submits that inadvertently the submission was made on 22.08.2022, wherein it was submitted that Opposite Party No. 2 has not died, it is next submitted that Opposite Party No.2 is the informant and was father of Chandan and he had died during pendency of the present application.

Learned counsel for the petitioner next submits that petitioner is a person with clean antecedent and the informant alleges that the accused persons, including the petitioner, came to his house and the petitioner and one other co-accused caught



the son 'Chandan and Mannu Rajbhar' fired causing injury.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that the only allegation against him is of catching hold of the son of the informant when Monnu Rajbhar fired, it is thus submitted that it absolutely does not stand to reason that as to why two persons would have caught the victim, as the chances of getting hit by fire would have been there, the learned counsel next submits that the FIR also does not disclose any motive or reason for the occurrence. The learned counsel for the petitioner next submit that even petitioner is not known to the informant and the FIR does not even disclose as to how the informant came to know about the petitioner.

Learned APP for the State opposes the anticipatory bail application and submits that no doubt petitioner is a person with clean antecedent but then, there is an allegation against him of catching hold of the victim who got injured by fire.

At this stage the learned counsel for the petitioner seeks permission to withdraw the anticipatory bail application.

Permission is accorded.

In the event, if the petitioner surrenders in the learned trial court on or before 22.09.2022, the learned trial court on the



same day shall dispose of the bail application keeping in mind that petitioner is a person with clean antecedent and is a young boy of 22 years of age and is not alleged to have fired on the injured.

(Satyavrat Verma, J)

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