

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31126 of 2022

Arising Out of PS. Case No.-206 Year-2015 Thana- KAKO District- Jehanabad

CHANDRA SHEKHAR YADAV @ CHANDRA SHEKHAR AZAD S/o
Sakal Dev Yadav @ Sakal Dev Singh Resident of Village- Lakshan Bigha,
Damuhan, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 37616 of 2022

Arising Out of PS. Case No.-206 Year-2015 Thana- KAKO District- Jehanabad

DINESH KUMAR S/O MAHENDRA MAHATO Resdient of Village-
Damuhan, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 31126 of 2022)

For the Petitioner/s : Mr.Narendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Surendra Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 37616 of 2022)

For the Petitioner/s : Mr.Narendra Kumar Singh, APP

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022

CRIMINAL MISCELLANEOUS No.31126 of 2022

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302 and 34
of the Indian Penal Code.



The informant alleges that after her husband came from attending a meeting at Panchayat Bhawan, the accused persons, including the petitioner, came and took him to Jehanabad Market and thereafter, at 6.00 P.M. petitioner came and informed the informant that her husband was not well. Accordingly, the informant along with her family members reached the place of occurrence and saw the accused persons bringing his dead body in an auto.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and from perusal of the allegation as alleged in the F.I.R., it would manifest that based on suspicion, the petitioner has been implicated in the present case. It is next submitted that from bare reading of the allegations as alleged in the F.I.R., it would manifest that the husband of the informant accompanied the accused persons willingly without any protest, this amply demonstrates that the accused persons and the petitioner were on good terms. It is also submitted that if the term of the informant's husband with the accused would not have been cordial, then definitely the informant also would have objected when her husband was accompanying them. Learned counsel further submits that it absolutely does not stand to reason that if the petitioner would



have committed offence along with other accused, then definitely the petitioner would not have come to the house of the informant to inform that her husband was not well and froth was coming out from his mouth. The learned counsel next submits that police after investigation submitted final form which amply demonstrates that during the course of investigation, nothing was found which can even remotely connect the petitioner with the offence but differing with the police report, the learned trial court took cognizance in a mechanical manner. The learned counsel very fairly submits that one similarly situated co-accused Dinesh Kumar's anticipatory bail application was rejected by order dated 20.09.2016 in Cr. Misc. No.28674 of 2016, but then at that time when anticipatory bail application was rejected, the fact that police after investigation has submitted final form was not before the Court.

The learned Additional Public Prosecutor opposes the anticipatory bail application, but is not able to meet the submissions of the learned counsel for the petitioner that anticipatory bail application of Dinesh Kumar, as aforesaid, was rejected when an important fact that police has submitted final form was not before the Court.

Considering the submissions made by the learned



counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Kako P.S. Case No. 206 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

CRIMINAL MISCELLANEOUS No. 37616 of 2022

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

Learned counsel for the petitioner draws the attention of the Court to order dated 30.08.2022 in Cr. Misc. No. 29665 of 2022 and submits that today Chandrasekar Yadav has been granted anticipatory bail in Cr. Misc. No. 31126 of 2022. Learned counsel for the petitioner relying on the order dated 30.08.2022 in Cr. Misc. No. 29665 of 2022 submits that the case of the petitioner is also similar to that of the aforesaid accused persons who have been granted the privilege of anticipatory



bail.

Learned A.P.P. for the State very fairly submits that the case of the present petitioner is akin to the case of the aforesaid accused persons who have been granted anticipatory bail.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten 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 Kako P.S. Case No. 206 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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