

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35658 of 2022

Arising Out of PS. Case No.-658 Year-2021 Thana- NAUBATPUR District- Patna

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AJAY YADAV Son of Madan Yadav Resident of village - Lodipur, P.S.-
Naubatpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-11-2022 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, 120B and 34 of the
Indian Penal Code and Section 27 of the Arms Act.

The informant alleges that his son who was elected
member of Ward No. 9 of Jamalpur Panchayat had gone to attend a
marriage ceremony of daughter of Bigan Manjhi on 11.12.2021,
thereafter, in the night, he was informed that his son was shot at the
door of Nanhak Ram, accordingly, he reached the place of
occurrence and saw his son lying on the ground, it is next alleged that
informant tried to inquire from the nearby persons about the
occurrence that as to who killed his son but no reply came forth, it is
further alleged that his son was killed on account of election rivalry.

Learned counsel for the petitioner submits that the



petitioner has antecedent of three cases. Learned next submits that the petitioner has been falsely implicated in the present case, it is next submitted that informant is not an eye-witness to the occurrence nor the FIR even remotely suggest that anyone had witnessed the occurrence, it is next submitted that father of this petitioner had contested the Ward election against the deceased in which the deceased had won as such the petitioner based on suspicion has been implicated in the present case, it is next submitted that the informant neither in the FIR nor in his re-statement even remotely cast any aspersion against this petitioner but four days after the occurrence, the informant took the name of the petitioner, it is also submitted that, thereafter, the name of the petitioner also transpired in the confessional statement of apprehended accused. Learned counsel submits no doubt petitioner has antecedent but then in the nature of allegation and the manner in which the investigation has proceeded, it does not inspire confidence.

Learned counsel further submits that petitioner will not evade the law rather will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case so that the truth comes out.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 trial court 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 trial court where the case is pending/successor court in connection with Naubatpur P.S. Case No. 658 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that the petitioner despite giving assurance to this Court that he will cooperate in the investigation and will present himself as and when required by the Investigating Officer, is not cooperating in the investigation or is not appearing when called for, the learned Trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

(Satyavrat Verma, J)

HarshPandey/-

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