

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40409 of 2022

Arising Out of PS. Case No.-43 Year-2022 Thana- RAHUI District- Nalanda

Shambhu Yadav Son Of Chhote Yadav R/O Village- Nijam Bigha, P.S.-
Rahui, Distict- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Gajendra Prasad Yadav, Advocate
For the Opposite Party/s :	Mr. Anil Kumar Singh No. 1, APP
For the Informant :	Mr. Raj Kishore Prasad, Advocate
	Mr. Ashok Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506 and 34 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that petitioner has antecedent of three cases and the informant alleges that Mallu Yadav fired causing injury on his palm and assaulted Neeraj, Surrender and Anil causing injury.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case, it is next submitted that specific allegation of assault is against



Mallu of assaulting and firing and allegation against this petitioner is general and omnibus in nature, it is also submitted that petitioner because of his criminal antecedents came to be implicated in the present case, it is further submitted that petitioner will cooperate in the investigation and will present himself as and when required by the Investigating Officer of the case.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that petitioner is not alleged to have assaulted.

Considering the submissions made by the learned counsel for the petitioner and the fact that the injuries are simple, 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 Rahui P.S. Case No. 43 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



However, 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 before this Court is not cooperating in the investigation or is not appearing when called, the learned trial court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have the liberty to cancel the bail bonds of the petitioner.

The learned trial court is directed to send a copy of this order to the concerned Police Station.

(Satyavrat Verma, J)

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