

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39933 of 2022

Arising Out of PS. Case No.-218 Year-2021 Thana- BARH District- Patna

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Rajiv Yadav @ Rajiv Kumar @ Rajiv Kumar Yadav, S/O Nageshwar Yadav
Resident Of Village - Dumaria, P.S. Barh, District - Patna.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Kumar

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

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-12-2022 The learned counsel for the petitioner is permitted to

make necessary correction in the prayer portion of the

anticipatory bail application during course of the day.

Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 302
and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

The learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that on account of dispute relating to land on orders of
Biresh Yadav, accused Shishupal Yadav fired killing his three
years old nephew.

The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the present case. It is



next submitted that rather petitioner is the aggrieved person as his son was killed by Shishupal Yadav on orders of Biresh Yadav and the informant, who is his own brother, instituted the present F.I.R. falsely alleging that petitioner was also involved in the occurrence. It is next submitted that there is admitted dispute relating to property and when his three years old son was killed, the informant, who is his own brother took the same as an opportunity to falsely implicate the petitioner in the offence without disclosing in the F.I.R. that the child, who died was the son of the petitioner. It is next submitted that no benefit would have accrued to the petitioner by killing his own son, but since petitioner came to be implicated in the present case, he is on the run and the informant now is coercing him to part with his property. The learned counsel next submits that when dispute with respect to property is involved, the police also makes merry. It is next submitted that the Investigating Officer of the case is also proceeding mechanically without appreciating the fact that why a father would kill his own three years old, but no benefit derived from the said occurrence.

Learned A.P.P. opposes the bail application.

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, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Barh P. S. Case No.218 of 2021, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

The Senior Superintendent of Police, Patna is directed to personally investigate the case and to ensure that a fair investigation is done in the case. Further, if the Investigating Officer of the case files an application before the learned trial Court bringing to its notice that the deceased was not the child of the petitioner, then the learned trial Court shall immediately cancel the bail bonds of the petitioner after giving him an opportunity of hearing.

(Satyavrat Verma, J)

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