

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43470 of 2022

Arising Out of PS. Case No.-79 Year-2022 Thana- PARAIYA District- Gaya

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VIJAY YADAV Son of Late Baudhu Yadav Resident of Village - Dumra, P.S.-
Paraiya, Distt.- Gaya. Petitioner/s

Versus

The State of Bihar. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anuj Kumar
For the Opposite Party/s : Mr. Arun Kumar Singh
For the Informant : Ms. Roona

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 30-11-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner undertakes to
remove the defect(s), as pointed out by the office, within four
weeks.

The petitioner apprehends his arrest in Paraiya P.S.
Case No. 79 of 2022 registered for the offences punishable
under Section 302/34 of the Indian Penal Code.

The petitioner in association of other co-accused is
said to have killed the father of the informant by pulling
gamcha in his neck.

It is submitted by learned counsel for the petitioner
that no such occurrence as alleged ever took place. He has been
falsely implicated in this case due to dirty village politics. The
allegation levelled against the petitioner is not specific rather
general and omnibus in nature. It is further submitted that with



regard to same occurrence another F.I.R. being Paraiya P.S. Case No.74 of 2022 has been lodged by one Surya Paswan. It is also submitted that the deceased in his dying declaration has not taken the name of the petitioner. Learned counsel for the petitioner also submitted that the petitioner has also filed a quashing application before this Court which is pending.

Learned APP for the State assisted by learned counsel for the informant vehemently opposing the bail petition submitted that processes under Sections 82 and 83 Cr.P.C. has already been issued, hence the anticipatory bail application is not maintainable before this Court.

Considering the facts and circumstances of case as also the fact that processes under Section 82 & 83 Cr.P.C. has already been issued, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected. However, the petitioner is directed to surrender before the learned Court below within six weeks from today and seek regular bail and the learned Court below would pass order in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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