

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57123 of 2021

Arising Out of PS. Case No.-202 Year-2020 Thana- MANSI District- Khagaria

KRISHNA YADAV Son of Kailash Yadav Resident of Village - Thatha, P.S.-
Mansi, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 29-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 307 of the
Indian Penal Code and Section 27 of the Arms Act.

In compliance of the order dated 06.07.2022, case
diary has been received but the injury report has not been
received as yet.

Learned counsel for the petitioner submits that
petitioner had antecedent of one case under Section 302 and
other allied sections of the Indian Penal Code including Section
27 of the Arms Act and the case was tried by the Juvenile
Justice Board, Khagaria in which the petitioner was acquitted on



07.10.2015.

The informant alleges that while she was cleaning utensils at her home then an unknown person came and fired from behind causing injury near left ear on account of which she became unconscious, thus, could not see the accused. It is alleged that earlier petitioner had threatened to kill in the event the case is not withdrawn. It is alleged that petitioner had shot her two sons dead and for withdrawing the said case he was giving threatening.

Learned counsel for the petitioner submits that informant is not an eyewitness to the occurrence and the petitioner has been made accused in the present case based on suspicion. He further submits that petitioner at the age of 12 years came to be implicated in Mansi P.S. Case No. 194 of 2012 wherein it was alleged that he had killed two sons of the informant. He next submits that petitioner was tried by the Juvenile Justice Board and the Juvenile Justice Board acquitted him by order dated 07.10.2015. He also submits that thereafter no case ever came to be instituted against the petitioner. Learned counsel, thus, submits that it absolutely does not stand to reason that when in the case in which the petitioner was implicated alleging murder of her sons, was acquitted as aforesaid then no



case was pending against the petitioner when the present FIR came to be instituted. He next submits that against the order of acquittal, the informant had not moved in appeal or had not resorted to any remedy available to her in law. Learned counsel, thus, submits that it appears that out of sheer vengeance, the present false case came to be instituted and in the case diary also injury report is not recorded which amply demonstrates that no such occurrence had ever taken place in the manner as alleged in the FIR.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but after perusal of the case diary fairly submits that petitioner had one antecedent of Mansi P.S. Case No. 194 of 2012 as recorded in para no. 19 of the case diary.

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 Mansi P.S.



Case No. 202 of 2020, subject to the conditions as laid down
under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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