

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50554 of 2022

Arising Out of PS. Case No.-39 Year-2019 Thana- BARHARA KOTHI District- Purnia

DILIP YADAV @ DILIP KUMAR YADAV S/o Late Bhikhari Chand Yadav
Resident of Village- Maharajganj, P.s.- Banmankhi, District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 07-11-2022 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 147, 148, 149, 341, 342, 323, 324, 325, 307, 506 and 120(B) of the Indian Penal Code read with Sections 3/4 of the Explosive Substances Act and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and the informant alleges that while he was coming home after inaugurating cultural program on the eve of Saraswati Pooja, all the accused persons, including the petitioner, resorted to firing and used explosives causing injury on the right leg of his father apart from other who also received injuries.



Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that police after investigation submitted final form and the learned trial court differing with the police report took cognizance. Learned counsel further submits that similarly situated co-accused Nityanand Yadav has been granted anticipatory bail *vide* order dated 20.02.2020 in Cr. Misc. No. 85197 of 2019, it is thus submitted that one investigating agency has found the case to be false against the petitioner as no material was found connecting the petitioner with the offence during investigation but then the learned trial court proceeded to take cognizance based on the same facts on which the police had found the case to be false.

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 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 Barhara
(Raghubansh Nagar O.P) P.S. Case No. 39 of 2019 subject to
the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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