

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4995 of 2022

Arising Out of PS. Case No.-698 Year-2020 Thana- SUPAUL District- Supaul

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RAUSHAN YADAV S/O PRABHASH YADAV @ PRABHASH KUMAR
R/o village - Amha, P.S.- Supaul (Laukaha O.P.), District- Suapul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Advocate

Ms. Sweta Kumari, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-08-2022 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 Sections 147, 148,
149 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that
petitioner has antecedent of three cases.

The informant alleges that he and his brother had
stayed in the night in the house of one Pradeep Yadav where he
heard some sound in the night and when he woke up he saw the
accused persons including the petitioner were trying to kill his
brother and when they saw him they tied him also but he



somehow managed to escape from the place of occurrence and came to the village and informed the villagers and when they went to the place of occurrence, the dead body of the brother of the informant was not found.

Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the allegations are inherently improbable and patently absurd and, at the same time, it is cryptic and vague also. It is further submitted that it absolutely does not stand to reason that if what has been alleged by the informant is true then definitely the accused persons would not have allowed the informant to flee from the place of occurrence more so when he was tied by them. It is next submitted that police after investigation submitted Final Form No. 171 of 2021, dated 25.04.2021 in favour of the petitioner and the learned Trial Court differing with the police report, in a mechanical manner, took cognizance of the offence. It is next submitted that petitioner is similarly situated like Jayram Yadav and Ganga Yadav who have been granted anticipatory bail by this Court vide order dated 26.07.2022 in Cr. Misc. No. 66563 of 2021.

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.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/successor court in connection with Supaul P.S. Case No. 698 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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