

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65568 of 2022

Arising Out of PS. Case No.-161 Year-2022 Thana- MAHARAJGANJ District- Siwan

JAGDISH YADAV S/O LATE DWARIKA YADAV R/v- Harkeshpur, P.S.-
Maharajgang, District- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Mukesh Kant, Advocate
For the Opposite Party/s :	Mr. Madhura Nand Jha, A.P.P.
:	Mr. Bijay Prakash Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 302,
120(B) and 34 of the Indian Penal Code.

The informant alleges that on orders of petitioner
Dhanesh and Ravi assaulted his brother with fasli and knife, it is
further alleged that Chandan died on account of assault.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and has been falsely
implicated in the present case being father of Dhanesh and Ravi,
it is next submitted that the petitioner has been implicated
alleging that the occurrence was committed on his orders that is



he was an order giver. Learned counsel next submits that it is easy to implicate anyone by alleging that he was an order giver without alleging that he even assaulted, it is next submitted that it is easy to implicate without assigning any allegation of assault and by merely alleging that accuse is an order giver. Learned counsel further submits that had the accused ordered the assailants to jump from ninth floor whether they would have followed his orders and jumped and thus would have ended their life, it is also submitted that petitioner will not evade the law and will cooperate in the investigation.

Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not able to meet the submission of the learned counsel for the petitioner that there is no specific allegation of assault against the petitioner and he has been implicated merely because he is alleged to be an order giver.

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 trial court 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 trial court where the case is pending/successor court in connection with Maharajgang P.S. Case No. 161 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial Court bringing to its notice that the petitioner despite giving assurance to this Court is not cooperating in the investigation or is not presenting himself when called the learned trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and shall also have liberty to cancel his bail bonds.

The learned trial Court is directed to send the copy of this Order to the concerned P.S.

(Satyavrat Verma, J)

GauravSinha/-

U		T	
---	--	---	--

