

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7401 of 2023

Arising Out of PS. Case No.-439 Year-2021 Thana- FATEHPUR District- Gaya

Suresh Yadav Son Of Cheta Yadav R/V- Bhetaura, P.S- Fatehpur Dist- Gaya
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioner and learned

A.P.P. for the State assisted by learned counsel for the
informant.

The petitioner apprehends his arrest in Fatehpur P.S.

Case No. 439 of 2021 registered for the offences punishable
under Sections 147, 148, 149, 341, 323, 504 and 307 of the
Indian Penal Code and Section 27 of the Arms Act, pending in
the Court of learned Additional Chief Judicial Magistrate-Xth,
Gaya.

Allegation against the petitioner is that he along
with other co-accused persons have formed an unlawful
assembly and with the common intention have committed
murder of the brother of the informant.

Learned counsel for the petitioner submits that no
such occurrence as alleged ever took place. He has been falsely
implicated in this case. The allegation levelled against the



petitioner is not specific rather general and omnibus in nature. He submits that the petitioner and the informant are own Gotia. He further submits that the deceased died during the course of treatment. Petitioner has got no criminal antecedent as mentioned in para-3 of the bail application.

Learned APP for the State as well as learned counsel for the informant vehemently opposing the bail petition submitted that the learned counsel for the petitioner has withdrawn the anticipatory bail of Bharath Yadav @ Bharat Yadav with a liberty to file a regular bail application in the learned court below.

Considering the facts and circumstances of case, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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