

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14648 of 2023**

Arising Out of PS. Case No.-371 Year-2022 Thana- BAKHTIARPUR District- Saharsa

ASHISH KUMAR @ JAGGA YADAV Son of Late Sikandar Yadav Resident  
of Village - Sukhasan, P.S.- Simri Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Arun Kumar  
For the Opposite Party/s : Ms. Pushpa Sinha

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      12-05-2023                      Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner apprehends his arrest in Bakhtiyarpur P.S. Case No. 371 of 2022 registered for the offences punishable under Section 302, 307, 504, 506 and 34 of the Indian Penal Code and Under Section 25(1-B)A, 26, 27 and 35 of the Arms Act, pending in the Court of learned Chief Judicial Magistrate.

As per the prosecution case, allegation against the petitioner is that he along with other accused persons killed the husband 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 petitioner is not named in the F.I.R., during the course of investigation, the name of the petitioner has come on the basis of confessional statement of co-accused Tarun Yadav before the police. Petitioner has got four criminal antecedents as mentioned in para-3 of the bail application.

Learned APP for the State vehemently opposing the bail petition submitted that there is specific overt act against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

Considering the facts and circumstances of case, nature of the offence and criminal antecedents of the petitioner, 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)**

anand/-

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