

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16537 of 2023

Arising Out of PS. Case No.-552 Year-2022 Thana- NAWADA District- Nawada

RAKESH KUMAR @ RAKESH YADAV Son of Ravindra Prasad @
Ravindra Yadav R/V- Anti, P.S- Kadirganj Dist- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Manisha Prakash, Advocate

For the Opposite Party/s : Mr. Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 29-05-2023 Heard Ms. Manisha Prakash, learned counsel for the

petitioner and Mr. Umeshanand Pandit, learned Additional

Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Nawada Town (Kadirganj) P.S. Case No. 552 of 2022 dated
01.06.2022 registered for the offences punishable under
Sections 341, 323, 504, 506, 302, 201/34 of the Indian Penal
Code.

As per the First Information Report, while the
informant was going for morning walk on 01.06.2022 at about
5:00 AM along with his brother-in-law, they were intercepted by
the petitioner and other accused persons and the petitioner
alongwith other accused persons abused the brother-in-law of
the informant and assaulted him with the butt of the pistol and



one Mukesh Yadav, as well as petitioner tied a *Gamcha* (cloth) in the neck of the informant's brother-in-law, dragged him on the ground and thereafter they took the victim towards the school, assaulted him and killed him.

Learned counsel for the petitioner submits that petitioner has falsely been implicated on the basis of concocted story due to oblique motive. The dead body was found by the *chowkidar* lying near the school and the postmortem was conducted upon the dead body of the deceased on 01.06.2022 at 11:58 AM and thereafter a written report was lodged by the informant and based upon which the FIR has been registered at about 1:00 PM on 01.06.2022 i.e after the postmortem of the dead body was held. Learned counsel for the petitioner further submits that the co-accused persons having similar allegation have been granted bail by a co-ordinate Bench of this Court vide order dated passed in Cr. Misc. No. 57900 of 2022.

Regards being had to the submissions made by the parties and taking into consideration the fact that the FIR has been lodged after postmortem examination and similarly situated co-accused persons have been granted regular bail by a co-ordinate Bench of this Court, I am inclined to grant anticipatory bail to the petitioner.



This application is accordingly allowed.

Accordingly, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Nawada, in connection with Nawada Town (Kadirganj) P.S. Case No. 552 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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