

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28506 of 2023

Arising Out of PS. Case No.-403 Year-2022 Thana- ATRI District- Gaya

SUJIT KUMAR Son of Ramchandra Prasad Yadav Resident of village -
Dhaukal Bigha, P.O. and P.S. - Atari, Distt. - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Archana Sinha @ Archana Shahi, Advocate
For the Opposite Party/s : Mr. Harendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 342, 302, 307, 386 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The informant alleges that she came to know that her son was shot, accordingly, she went to the place of occurrence along with her family members where her brother-in-law (*devar*) was present from before, further on way to hospital her son disclosed, he was shot by Baiju Yadav while Kandho Yadav and Gore Yadav were holding his hand, further the occurrence took place when her son demanded money of the *challan* with regard to sand which they had loaded on the



tractor.

4. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is also submitted that from perusal of the allegation as alleged in the FIR it would manifest that the informant alleges that her son disclosed that it was Baiju who shot him while Kandho and Gore were holding his hand, it is further submitted that the FIR does not even remotely whispers about the petitioner and thus the petitioner is not named in the FIR and his name transpired during the course of investigation in the confessional statement of Gore Yadav. The learned counsel further submits that petitioner will not abscond rather will cooperate in the investigation and will present himself as and when required by the investigating officer of the case for eliciting the truth and proving his innocence.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. 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 Atri P.S. Case No. 403 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that 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 for the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner forthwith after recording reasons.

8. Let a copy of this order be sent to the concerned P.S. through the learned Trial Court.

(Satyavrat Verma, J)

GauravSinha/-

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