

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29561 of 2023

Arising Out of PS. Case No.-307 Year-2021 Thana- NADI P.S. District- Patna

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Santosh Yadav @ Santosh Kumar @ Kabuliya Son of Bhatu Rai @ Gajendra Rai @ Rajendra Rai Resident of village - Kachchi Dargah, Jethuli, P.S.- Nadi, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Adv.

For the Opposite Party/s : Mr.Madan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Nadi PS Case No. 307 of 2021, dated 19-10-2021 registered for the offence punishable under Sections 147,149, 341,353,504 and 506 of the Indian Penal Code.

3. It is alleged that while the informant was in the course of his patrolling duty, the petitioner along with 20 unknown anti social elements have accosted the vehicle and thereafter it is alleged that the petitioner has proclaimed himself to be a history sheeter criminal, who has committed various crimes and after proclaiming himself as such, they have all fled away.



4. It is submitted by the petitioner's counsel that from bare narration of the prosecution case in the FIR, it is apparent that the same is highly improbable that a person can go to the police and proclaim himself to be a history sheeter having many cases. In fact, the petitioner was earlier implicated in two cases under the Bihar Prohibition and Excise Act and as a sequel to the said implication, he has been dragged in this case where as no occurrence has taken place. Even as per the informant, there is no injury sustained by anyone and no one has been arrested at the spot.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions, nature of allegations and the Annexure-2 being a copy of the petition submitted by the petitioner's grand mother regarding petitioner's false implication, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two



sureties of the like amount each to the satisfaction of the learned
ACJM, Patna City, in connection with Nadi PS Case No. 307 of
2021, dated 19-10-2021, subject to the conditions as laid down
in Section 438(2) of the Code of Criminal Procedure with
following conditions:

(i) That one of the bailors
will be a close relative of the petitioner
who will give an affidavit giving
genealogy as to how he is related with
the petitioner. The bailor will also
undertake to inform the court if there is
any change in the address of the
petitioner.

(ii) That the petitioner will
be well represented on each date and if
he fails to do so on two consecutive
dates, his bail bond will be liable to be
cancelled.

(Madhuresh Prasad, J)

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