

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30086 of 2023**

Arising Out of PS. Case No.-135 Year-2019 Thana- MURLIGANJ District- Madhepura

BASIST NARAYAN YADAV @ BASHISHTA NARAYAN YADAV SON OF
LATE BISESHWAR PRASAD YADAV @ BISHO YADAV VILLAGE-
BHELAHI, PS MURLIGANJ, DISTRICT MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

- 2 26-07-2023 1. Heard learned counsel for the petitioner and learned A.P.P. for the State.
2. The petitioner apprehends his arrest in connection with Murliganj P.S. Case No. 135 of 2019 registered for the offences punishable under Sections 364, 302, 201 and 34 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and is aged about 72 years.
4. The informant alleges that on account of dispute, Amit brutally assaulted his uncle Nirmal and thereafter accused persons took Nirmal in a Bolero vehicle and subsequently his dead body was recovered.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that the specific allegation of assault is against Amit and as far as this petitioner is concerned, the allegation against him is general and omnibus in nature. It is further submitted that police, after threadbare investigation, submitted Final Form in favour of the petitioner finding him to be innocent, but the learned Trial Court in a mechanical manner took cognizance based on the same police report, it is thus submitted that when one Investigating Agency has found the case to be false against the petitioner, then would it be justifiable to send the petitioner to jail at this stage, when admittedly petitioner, till the age of 72 years, has remained a person with clean antecedent.

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

7. 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 Murliganj P.S. Case No. 135 of 2019 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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