

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36578 of 2023

Arising Out of PS. Case No.-546 Year-2022 Thana- BODHGAYA District- Gaya

1. BIRU YADAV @ BIRENDRA KUMAR YADAV S/O DILIP YADAV @ DILIP KUMAR @ DILIP KUMAR YADAV R/O Village- Gulariya Chak, P.S- Magadh Medical, Distt.- Gaya (Bihar).
2. Karan Kumar @ Danvir Karan Kumar S/O Yugeshwar Yadav R/O Village- Gulariya Chak, P.S- Magadh Medical, Distt.- Gaya (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-07-2023 Learned counsel for the petitioners at the outset seeks permission to withdraw the prayer for anticipatory bail with respect to petitioner no. 1, namely, Biru Yadav @ Birendra Kumar Yadav.

Permission is accorded.

Accordingly, the prayer for anticipatory bail with respect to petitioner no. 1 is dismissed as withdrawn.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 149, 341, 323, 324, 307 of the Indian Penal Code and Section 27 of the Arms Act.



Learned counsel for the petitioner submits that petitioner has antecedent of three cases.

The informant alleges that the accused persons including the petitioners were fleeing with his tractor and on chase Biru Yadav fired causing injury on the palm of the informant and thereafter Mantu Yadav also fired but missed.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case because of his antecedent. It is further submitted that from bare perusal of the allegation as alleged in the FIR, it would manifest that no overt act has been alleged against him and even the accused who were fleeing with the tractor on chase left the tractor and fled away. It is next submitted 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.

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

Considering the submissions made by the learned counsel for the petitioner, the petitioner no. 2 above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the
case is pending/successor court in connection with Bodhgaya
P.S. Case No. 546 of 2022, subject to the conditions as laid
down under Section 438 (2) of the Cr.P.C.

One of the bailors of the petitioner shall be his father
Yugeshwar Yadav.

(Satyavrat Verma, J)

Kundan/-

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