

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.38296 of 2023**

Arising Out of PS. Case No.-479 Year-2022 Thana- GAYA MUFASIL District- Gaya

KISHOR YADAV Son of Late Teku Yadav Resident of village - Murkatta,  
P.S. - Mufassil, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Durgesh Nandan, Adv.

For the Opposite Party/s : Mr.Raj Kishor Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

2      01-08-2023      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

2.      Petitioner apprehends his arrest in connection with  
Muffasil P.S. Case No.479/2022, registered for the offence  
punishable u/s 341, 323, 224, 225, 353, 504/34 of the IPC.

3.      As per the prosecution case, the informant took a raiding  
party to arrest one warranted accused Upendra Kumar, who was  
subsequently taken into custody but the F.I.R. named accused  
persons including the petitioner intervened and took away the  
said accused from the custody of police. In the scuffle, some  
members of the police party sustained injury.

4.      It is submitted by learned counsel for the petitioner that  
petitioner is quite innocent and has committed no offence. He  
has been falsely implicated in this case. No such occurrence, in



the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. It is submitted that all the family members have been made accused in the present case with the correct parentage and wife name, which is not possible to know by the informant at that point of time. The specific allegation in getting free the apprehended accused is against one Saurabh Kumar and Mahendra Kumar. Petitioner has three criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that petitioner is also involved in the present case.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law.

**(Anjani Kumar Sharan, J)**

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