

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37926 of 2023

Arising Out of PS. Case No.-107 Year-2023 Thana- GOPALPUR District- Bhagalpur

Sachin Yadav, S/O Madan Yadav, R/O Village- Babu Tola, Kamlakund, PS.
Gopalpur, Dist. Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Yadav, Advocate

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-07-2023 Heard Mr. Ashok Kumar Yadav, learned counsel
appearing on behalf of the petitioner and the learned APP for the
State.

2. The petitioner is apprehending his arrest in connection with Gopalpur P.S. Case No. 107 of 2023 registered for the offences punishable under Sections 147, 148, 149, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. It is alleged that the informant (S.H.O., Gopalpur police station) received an information that at Gangapar Kamalakudan Diyara the incidence of firing is going on between two sides in connection with carrying white sand. The petitioner is said to be the one of the member of the gang.

4. Learned counsel appearing on behalf of the petitioner submits that in fact neither there is eye witness nor the petitioner was identified by any person while fleeing from the



place of occurrence. However, only on account of past criminal antecedent, his name has been implicated in this case by the police personnel, which shows the high handedness of the police. He next submits that no one has sustained any injury nor any incriminating article has been recovered from the whereabouts of the petitioner.

5. On the other hand, learned APP for the State opposes the bail application.

6. Considering the criminal antecedent of the petitioner, who is found involved in five other cases, besides the present one, this Court is not persuaded to allow the petitioner on privilege of anticipatory bail. Accordingly, the pre-arrest bail of the petitioner stands rejected.

7. However, the petitioner is directed to surrender before the court below within a period of four weeks from today. In case, the petitioner surrenders before the court below and prays for regular bail, the court below shall pass appropriate order without being prejudiced by this order.

(Harish Kumar, J)

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