

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43367 of 2023

Arising Out of PS. Case No.-283 Year-2021 Thana- KATIHAR NAGAR District- Katihar

Rajesh Kumar Yadav @ Ram Kumar Yadav Son Of Late Bhela Yadav @ Late Bela Yadav, Resident Of - P And T Chowk, Barmasiya, P.S.- Katihar (S), District - Katihar.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ram Sandesh Roy, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Sahayak P.S. Case No. 283 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 302/120(B) of the Indian Penal Code and Section 27 of Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on 04.06.2021 at about 06:30 P.M. one Ranjeet Choudhary came to the house of the informant calling his son, namely, Rahul Yadav for the Panchayat. Since the informant got suspicious, he along with his two nephew also went there. When he reached at Maithil Tola, Sahayak Thana, Katihar, Road No. 7, said Rahul Yadav was surrounded by the criminals and one Abhimanyu Yadav,



Chitranjan Yadav and Anil Yadav caught him and then on the order of Usha Devi, one Vishal Yadav fired pistol on the head of Rahul Yadav. The bullet hit the left eye of the deceased and in course of treatment, he died on 05.06.2021 at 11:00 A.M.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the main accused is Vishal Yadav who had shot at the son of the informant, there is no allegation of commission of overt act against this petitioner. It is further submitted that the co-accused similarly situated have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 44927 of 2022 and Cr. Misc. No. 35818 of 2022.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the submission that as per the first information report, the main accused is Vishal Yadav who had shot at the son of the informant, there is no allegation of commission of overt act against this petitioner and the co-accused similarly situated have been granted privilege of anticipatory bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 44927 of 2022 and Cr. Misc. No. 35818 of 2022,



this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Sahayak P.S. Case No. 283 of 2021 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M. Katihar, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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