

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41133 of 2023

Arising Out of PS. Case No.-449 Year-2022 Thana- MUNGER MUFFASIL District- Munger

Arbind Yadav @ Arbind Kumar @ Arbind Kumar @ Arbind Yadav S/O
Thitho Yadav R/O Village- Salemabad, P.S- Sahebpur Kamal, Distt.-
Begusarai. Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 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 Munger Muffasil P.S. Case No. 449 of 2022 registered for the offences punishable under Sections 302, 201, 34 of the Indian Penal Code and Section 27 of the Arms Act. He has got no criminal antecedent.

3. As per the prosecution story, on 14.12.2022 at 03:30 P.M., when the informant along with his associates were irrigating wheat crops, seven named accused persons surrounded his father and Bana Rai, Pandav Rai and Dhananjay Rai shot at his father as a result of which he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that there is no allegation of any overt act



against the petitioner.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that the present FIR has been lodged after more than 24 hours of the alleged occurrence, the informant claims that he is an eye-witness and the specific allegation of killing his father is against co-accused Bana Rai, Pandav Rai and Dhananjay Rai and no overt act has been alleged against the petitioner save and except to say that he was also present amongst the seven named persons who had surrounded the father of the informant, the submission being that it is a case of false implication and the delay in FIR itself gives rise to a suspected story and the submission that the petitioner has no criminal antecedent, 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 Munger Muffasil P.S. Case No. 449 of 2022 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 Chief Judicial Magistrate, Munger, 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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