

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43115 of 2023

Arising Out of PS. Case No.-779 Year-2022 Thana- BRAHMPUR District- Buxar

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AMBIKA YADAV SON OF LATE SUCHIT YADAV @ SUCHIT SINGH
YADAV RESIDENT OF VILLAGE CHAKKI BHOLA DERA, PS-
BRAHMPUR (CHAKKI O.P.), DISTRICT- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Harendra Kumar, Adv.
For the Opposite Party/s : Mr.Pranav Kumar, APP
For the Informant : Mr.Anil Kumar Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-08-2023 Heard learned counsel for the petitioner, learned counsel

for the informant and learned APP for the State.

2. The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 147, 148, 149, 307, 323, 325, 504,
506 of the IPC and 27 of the Arms Act.

3. Allegedly, the F.I.R. named accused persons armed
variously came to the house of informant and the house of one
Sudardhan Yadav and from the roof, they started throwing
stones, bricks and other things towards the informant.
Thereafter, one Raju Yadav fired upon one Awdhesh Yadav
@Triloki Yadav, who died in the hospital.

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 further submitted that the specific allegation is against the co-accused Raju Yadav and petitioner is only the order giver which fact is also not denied by the learned counsel for the informant. Petitioner has no criminal antecedent.

5. Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the anticipatory bail application of a similarly situated co-accused has been rejected by a co-ordinate Bench of this Court vide order dated 04.08.2023 on the basis that process u/s 82 Cr.P.C. has been initiated.

6. Learned counsel for the petitioner submits that the process u/s 82 Cr.P.C. was initiated when the anticipatory bail application of the petitioner was pending in the court below and when the court below rejected the anticipatory bail application of the petitioner, the petitioner filed this anticipatory bail application before this Court and thereafter process u/s 83 was started.

7. Having regard to the facts and circumstances of the case, it appears that it is an admitted fact that the process u/s 82 and



83 Cr.P.C. has been issued, when the anticipatory bail application was pending before the learned Court below or before this Court, as such, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five 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 Brahmpur (Chakki O.P. (Buxar) P.S. Case No.779 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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