

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42161 of 2023

Arising Out of PS. Case No.-56 Year-2023 Thana- CHAINPUR District- Kaimur (Bhabua)

AJIT YADAV S/o- BACHAU YADAV Village- Dharahara Ps- Chainpur Dist-
Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

For the Informant : Mr. Tribhuwan Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State along with the learned counsel for
the informant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that the petitioner has antecedent of one case.

4. The informant alleges that his brother (deceased) along with Hanshu were coming after purchasing rice and on the way, they saw a tractor with trailer and thus requested the driver of the tractor to load the rice on the trailer, but the driver refused on the ground that he was not going towards village Ramgarh, it



is next alleged that when his brother along with Hanshu reached Ramgarh village, they again saw the same tractor on which his brother confronted the driver of the tractor for making false excuse, when it is alleged that the driver called the accused persons and they came, it is next alleged that petitioner along with Ajit son of Late Ramdhin, Madhyam and Pankaj came and Ajit fired at Chandan causing injury on chest and thereafter the accused persons fled and his brother died.

5. Learned counsel for the petitioner submits that from perusal of the allegation as alleged in the FIR, it would manifest that the petitioner is not alleged to be the assailant, it is next submitted that it absolutely does not stand to reason that as to why the brother of the informant confronted the driver of the tractor when he was not willing to load his rice on the trailer. It is also submitted that it appears that the driver called Ajit and he asked the petitioner along with other to accompany him. It is next submitted that petitioner was completely unaware that Ajit was carrying arms and the occurrence, as alleged, would take place. It is also submitted, at the cost of repetition, that petitioner is not the assailant of the deceased though it is alleged that he had accompanied Ajit.

6. Learned A.P.P. for the State along with learned



counsel for the informant opposes the prayer for anticipatory bail of the petitioner, but are not able to rebut the submissions of the learned counsel for the petitioner that petitioner is not the assailant of the deceased.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chainpur P.S. Case No. 56 of 2023 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. One of the bailors of the petitioner shall be his father Bachau Yadav.

(Satyavrat Verma, J)

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