

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47723 of 2023

Arising Out of PS. Case No.-524 Year-2022 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

=====

Dilkhush Yadav @DILKHUSH Kumar Son Of Jhakash Yadav Resident Of
Village -TURKI Narhiya Tola, Ps- Simri, Bakhtiyarpur, Distt- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh, Advocate
For the Opposite Party/s : Mr.Gauri Shankar Gupta, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 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 Simri Bakhtiyarpur P.S. Case No.524 of 2022 registered for the offences punishable under Sections 324, 307 and 386/34 of the Indian Penal Code and Section 27 of the Arms Act. The petitioner has got one criminal antecedent.

3. As per the prosecution story, the informant was working as delivery boy in Ecome Express courier. It is alleged that all the accused persons including this petitioner asked him twice before on the way that he is earning a lot of money and if he wanted to deliver goods there, then he shall have to pay



Rs.5,000/- per month as extortion money otherwise he would be killed. It is alleged that on 13.10.2022 after delivering the goods of the customers he was going to Sobarsa-Raj by motorcycle then all the accused persons including this petitioner stopped his motorcycle and started abusing him and also started snatching money from his pocket on which he tried to escape from there then Raja Kumar and Dharambir Kumar fired upon him with pistol which hit his waist. It is alleged that thereafter he fell down and all the accused persons took out Rs.25,800/- from his pocket.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Learned counsel submits that the specific allegation of firing has been made against co-accused Raja Kumar and Dharamvir Kumar.

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

6. Having regard to the allegations in the F.I.R. that it was five named and 2-3 unnamed persons who had surrounded the informant, the specific allegation of firing has been made against co-accused Raja Kumar and Dharamvir Kumar, so far as this petitioner is concerned, there is no allegation of commission



of overt act against him, in the circumstances, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in connection with Simri Bakhtiyarpur P.S. Case No.524 of 2022, 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)

arvind/-

U		T	
---	--	---	--

