

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.45293 of 2023**

Arising Out of PS. Case No.-472 Year-2022 Thana- BIBHUTIPUR District- Samastipur

GOLU YADAV @ YADAVJEE @ SAURAV KUMAR SON OF  
DHARMENDRA YADAV RESIDENT OF VILLAGE TARA  
BARIYARPUR, PS- KHODAVANPUR, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raja Ram Mishra, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

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

The petitioner apprehends his arrest in connection with Bibhutipur P.S. Case No. 472 of 2022 for the offence registered under section 414 of the Indian Penal Code and sections 25(1-B)(a), 26 and 35 of the Arms Act lodged on 22.12.2022 by the informant, Sandeep Kumar Pal.

As per the prosecution story, the police found a car standing at a lonely place, intercepted although those sitting inside, tried to escape but two of them were apprehended who gave their names as Mukesh Kumar Chaurasia and Rajeev Kumar and they gave the name of the petitioner and one Chamdan Thakur who managed to escape. On search, one country made loaded pistol and a live cartridge were recovered from Mukesh Kumar Chaurasia and one live cartridge from



Rajeev Kumar. Accordingly, the FIR.

Learned counsel for the petitioner submits that he had nothing to do with the alleged recovery, was not at the place and only on the confession of the co-accused have been implicated and further he do not have criminal antecedent.

Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that he has been named by the arrested persons.

Considering the aforesaid facts that alleged recovery is attributed to Mukesh Kumar Chaurasia and Rajeev Kumar, the petitioner do not have criminal antecedent and his name has come only on the confessional statement, this Court is inclined to extend him privilege of anticipatory bail.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Rosera, Samastipur in connection with Bibhutipur P.S. Case No. 472 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

**(Rajiv Roy, J)**

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