

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58738 of 2023

Arising Out of PS. Case No.-307 Year-2022 Thana- BIHTA District- Patna

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Raja @ Manish Kumar @ Manish Kumar Yadav Son Of Shobhnath Yadav @
Somnath Yadav Resident Of Village-Bhaluhipur, Ps- Ara Town, Dist- Bhojpur
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 20-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bihta P.S. Case No. 307 of 2022 dated 02.04.2022 instituted for
the offence punishable under Sections 385, 387 of the Indian
Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on
02.04.2022 at about 11.00 hrs, the informant received a
whatsapp call on his whatsapp no. 9334970689 from mobile no.
8521764638 and he was asked to give ten lakh rupees otherwise
he will have to face dire consequences. Thereafter at 03.30 hrs,
five unknown persons on two motorcycles came at the house of
the informant and fired about 20-25 rounds. They also damaged
the motorcycle of one of the villagers, namely, Nepali Saw by



firing. Thereafter, they fled away by threatening of dire consequences.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner is not named in the First Information Report and the First Information Report is instituted against unknown, who called from whatsapp no. 8521764638 and five unknown occupants of two motorcycles. Learned counsel for the petitioner further submits that the name of the petitioner has transpired in the confessional statement of co-accused, namely, Ravi Shankar Yadav @ Raja. No T.I.P of the petitioner has been conducted. Learned counsel for the petitioner further submits that on the basis of the CCTV footage, spy has disclosed the name of the petitioner along with three other persons. Learned counsel for the petitioner submits that whatsapp mobile no. 8521764638 did not belongs to the petitioner nor any of the two motorcycles used in the crime belongs to the petitioner. Learned counsel for the petitioner further submits that except the identification in CCTV footage and disclosure of name of the petitioner in the confessional statement, there is no other evidence available against the petitioner. Lastly, it has been submitted that petitioner has two



criminal cases against him.

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

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bihta P.S. Case No. 307 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Danapur, Patna subject to condition as laid down under Section 438(2) of the Cr.P.C, as well as the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he



will inform the court concerned if the petitioner are made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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