

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67043 of 2023

Arising Out of PS. Case No.-337 Year-2022 Thana- AKBARPUR District- Nawada

Rahul Yadav @ Rahul Kumar Son of Pyare Lal Yadav Resident of Village-
Mastanganj, PS- Akbarpur, Distt- Nawada

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2023 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 Akbarpur P.S. Case No. 337 of 2022 registered for the offences punishable under Sections 147, 149, 323, 504 and 506 of the Indian Penal Code and Sections 3, 4 and 5 of the Explosive Substances Act, 1908. He has got two criminal antecedent.

3. As per the prosecution story, on 09.07.2022, while the informant was returning from coaching, all the accused persons stopped his toto and assaulted him. It is alleged that on 13.07.2022, the accused persons variously armed came near the house of the informant and exploded bombs.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this

case. It is submitted that nine persons have been made accused in the present occurrence in which the informant is alleged to have been beaten. There is no specific allegation against this petitioner. It is further submitted that the other co-accused have been granted privilege of anticipatory bail by different co-ordinate Benches of this Court in Cr. Misc. No. 68704 of 2022 and Cr. Misc. No. 4576 of 2023.

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

6. Having regard to the facts and circumstances of the case wherein it is submitted that this petitioner is named one amongst the nine accused persons who had allegedly beaten the informant after his abduction, however, the informant was left and further considering the informant did not lodge any F.I.R. with respect to the occurrence dated 9th July, 2022 and as regards occurrence of 13th July, 2022, this petitioner has not been named in the F.I.R., there being no specific allegation against the petitioner of commission of any overt act, further other co-accused have been granted anticipatory bail in Cr. Misc. No. 68704 of 2022 and Cr. Misc. No. 4576 of 2023, this Court directs that in case of his arrest or surrender within a period of six weeks from today, the petitioner above named be

released on bail in connection with Akbarpur P.S. Case No. 337 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Nawada subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. Further condition that the petitioner shall make himself available to the Investigating Officer of the case within a period of two weeks from today and shall cooperate in course of investigation.

8. 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.

9. This application stands allowed.

(Rajeev Ranjan Prasad, J)

Rishi/-

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