

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69192 of 2022

Arising Out of PS. Case No.-386 Year-2021 Thana- BIKRAMGANJ District- Rohtas

VINAY KUMAR YADAV @ VINAY YADAV SON OF SRI VINKATESH
SINGH R/O VILLAGE- BARUNA, P.O.- SHIVPUR, P.S.- BIKRAMGANJ,
DISTRICT- ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey, Adv.

For the Opposite Party/s : Mr.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 06-02-2023 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in connection with Bikramganj P.S. Case No. 386 of 2021 instituted under Sections 147, 148, 149, 307, 506, 504 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution story, the informant alleged that FIR named accused persons armed variously opened fired at the house of the informant. However, as the villagers assembled, they retreated after leaving their vehicles which were set on fire.

The allegation is that this incident happened due to death of brother-in-law of the informant who was killed on 19.12.2018 resulting into lodging of Bikramganj P.S. Case No.



572 of 2018 and to put pressure on the informant as the trial was started, the present case was lodged.

In this case, the petitioner moved before the learned Sessions Judge vide order 1.2.2022. While rejecting his case, the concerned court directed the Subordinate Court that in case he surrenders, the decision should be taken without being prejudiced by any observation made.

Flouting the same, the petitioner chose neither to surrender nor to move before this Court and in between, on 23.3.2022, other co-accused moved and they were given the privilege of anticipatory bail.

Finally in November, 2022, the petitioner chose to move before this Court and according to para-3, he do not have criminal antecedent.

Now a supplementary affidavit has been filed incorporating the fact that he has three criminal antecedents (para-4 of the supplementary affidavit).

Taking into account the kind of conduct the petitioner have and the fact that he made false averment earlier, this is not a fit case for grant of anticipatory bail which is accordingly rejected.

If however, he chooses to surrender within four weeks



from today, the Court concerned shall taken into account the fact that similarly placed co-accuseds have been granted the privilege of anticipatory bail on 23.9.2022 itself and will pass an appropriate order expeditiously without being prejudiced by any observation made herein.

(Rajiv Roy, J)

Ajay Singh/-

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