

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19667 of 2024

Arising Out of PS. Case No.-615 Year-2023 Thana- BARUN District- Aurangabad

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Raju Yadav SON OF KAMESHWAR SINGH @ TAPPU RESIDENT OF
VILLAGE- MALPUR, PS- BARUN, DIST- AURANGABAD

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Sinha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 01-04-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 302 and 379 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and has been falsely
implicated in the instant case by the informant and further
submits that Tandal Kumar @ Tandan Kumar @ Tandle Kumar
has been granted privilege of anticipatory bail by an order dated
1-4-2024 passed in Cr. Misc No. 18201 of 2024. It is next
submitted that the case of the petitioner is akin to the case of
Tandal Kumar, and thus based on parity, seeks anticipatory bail.

4. Learned counsel next submits that informant, who



is not an eyewitness to the occurrence alleged that the accused persons, including the petitioner assaulted his brother leading to his death. It is next submitted that one of the accused in the instant FIR is Ranjan Kumar, who is own brother of the informant and the deceased. It is thus submitted that the informant even implicated his own brother in the instant case. It is next submitted that from perusal of allegation as alleged in the FIR, it would manifest that informant alleges that his brother had gone to Aurangabad and when he returned from Aurangabad, he called him up and informed that the motorcycle which he had left near the bus stand is missing as such, the informant asked him to search the motorcycle, further one Vijay Kumar informed that ten accused persons including the petitioner had forcefully taken his brother in a car towards Malpur on which it is alleged that the informant also went in search of his brother and when he reached the outskirts of the village, he saw the accused person assaulting his brother by hockey-stick, rod, belt, wood etc. and when they saw the informant, they fled and the informant accordingly informed the police, and after the police came, the victim was taken to the hospital, where he died during the course of treatment.

5. The learned counsel submits that from perusal of



the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence for the reason that initially, it was Vijay Kumar, who informed the informant about the accused persons, including the petitioner, that they have taken his brother in a car on which the petitioner also reached the outskirts of village, where he saw the occurrence but then the informant does not even remotely disclose in the FIR that who among the accused were carrying which arms. It is also submitted that it absolutely does not stand to reason that if ten named accused persons, who have been made accused in the instant FIR, had seen the informant that he witnessed the occurrence of assault of his brother then why they would have left him. It is next submitted that even one of the own brothers of the informant, Ranjan, is made an accused, which amply demonstrates that for some ulterior reason the informant has tried to implicate the accused persons with general and omnibus allegation of assault. It is further submitted that in the FIR, it is alleged that initially it was Vijay, who disclosed to the informant about the abduction of the victim, but then it has been specifically asserted at para-12 of the anticipatory bail application that the police during the course of investigation has not recorded the statement of Vijay Kumar, which further casts



an aspersion on the case of the prosecution that as to whether even Vijay had disclosed about the occurrence to the informant or not. It is next submitted the petitioner will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Barun P.S. Case No. 615 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this court, is not cooperating in the investigation or is not appearing as and when required by the Investigating Officer in that event, the learned trial court shall



be at liberty to cancel the bail bonds of the petitioner and to take
all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

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