

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15351 of 2024

Arising Out of PS. Case No.-628 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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Anil Kumar Yadav @ Anil Kumar Son of Chandeswar Ray Resident of
Village- Bairiya, Police Station- Motihari Muffasil, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vijay Shankar Shrivastava
For the Opposite Party/s : Mr.Rajendra Nath Jha

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 19-04-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Muffasil P.S. Case No. 628 of 2023 dated
01.09.2023 registered for the offences punishable u/ss 341, 323,
307, 385, 379, 504, 506 read with section 34 of the Indian Penal
Code.

3. As per the prosecution case, the petitioner and the
co-accused persons are alleged to have gone to the Reliance
Petrol Pump and taken petrol of Rs. 1000/- in their motorcycles
and when salesman (informant) demanded Rs. 1000/- of petrol,
they abused and assaulted the informant and the co-accused Anil
Kumar gave blow of iron rod on the head of the informant due



to which he sustained head injury. It is further alleged that the co-accused persons, Neeraj Kumar and the petitioner, Anil Kumar Yadav asked the informant to give Rs. 5000/- per month as *rangdari* otherwise they would explode at the petrol pump and they also threatened the informant to commit murder of the owner of his petrol pump and when other customers reached the petrol pump then these accused persons including the petitioner snatched Rs. 33,000/- in cash from the informant and fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The allegation of snatching against the petitioner is ornamental. It is further submitted that the petitioner has no concern with the alleged offence. As per annexure-2, the injury is simple in nature caused by hard and blunt substance. Learned counsel has submitted that there is no intention to cause the death of the petitioner, hence, no case u/s 307 is made out against the petitioner. The other co-accused person has already been granted anticipatory bail by this court *vide* order dated 07.03.2024 passed in Cr. Misc. No. 8654/2024. The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

5. Learned A.P.P. for the State has vehemently



opposed the anticipatory bail petition of the petitioner by submitting that the specific allegation of assault is against the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the injury being simple in nature, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Motihari, East Champaran in connection with Muffasil P.S. Case No. 628 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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