

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21570 of 2024

Arising Out of PS. Case No.-128 Year-2020 Thana- OBRA District- Aurangabad

Kamlesh Yadav Son of Gobardhan Yadav Resident of vill.-Mahdewa, P.S.-
Obra, Distt.-Aurangabad, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rupa Kumari, Advocate

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2024 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, 353, 332, 427, 307 of the Indian Penal Code and Section 27 of the Arms Act and Section 30(a), 30(c), 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and allegation is of recovery of 20 kg. of Mahuwa Jaggery Solution in the house of one Alok Kumar and 10 kg. of Mahuwa from the house of Govardhan Yadav.

4. Learned counsel for the petitioner submits that the petitioner was not arrested from the spot as such nothing was



recovered from his conscious possession and even alleged recovery is from a place which does not belong to the petitioner nor petitioner has any connection or relation with Alok Kumar and Govardhan Yadav. It is further alleged that no doubt there is allegation of firing also in the F.I.R. and the same has been made only to give the serious color to the case when no one was injured in the firing nor there is any specific allegation that petitioner fired and he came to be implicated based on the information disclosed by local people. It is also submitted that in majority of the cases, the police is implicating the accused persons through *Chowkidar* or local people but then submits that if *Chowkidar* was aware of the involvement of the petitioner in the occurrence then why he did not inform the police earlier to institution of the instant FIR which further casts aspersion on the case of the prosecution.

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

6. 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. 500/- (Rupees



Five Hundred) 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 Obra P.S. Case No. 128 of 2020, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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