

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24214 of 2024**

Arising Out of PS. Case No.-210 Year-2023 Thana- VISHNUPAD District- Gaya

Anup Kumar Yadav @ Anup Kumar S/o Pawan Yadav R/o vill - Khatkachak,
P.s. - Vishnupad, Distt. - Gaya, Bihar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anmol Kumar

For the Opposite Party/s : Dr. Ajeet Kumar

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

- 3 26-07-2024 1. From perusal of the case record, it appears that in the order, dated 12.07.2024, the case number has wrongly been mentioned as Cr. Misc. 24212 of 2024, whereas, it should have been Cr. Misc. 24214 of 2024, and due to this inadvertent mistake the party position is also different. The order number has also wrongly been mentioned as order no. 3, whereas, it should have been order no. 2.
2. Accordingly, let the order, dated 12.07.2024, passed in Cr. Misc. 24212 of 2024, be deemed to have been passed in Cr. Misc. 24214 of 2024.
3. NIC is directed to delete the order, dated 12.07.2024, passed in Cr. Misc. No. 24212 of 2024 and insert the same with correct order number in Cr. Misc. No. 24214.



of 2024.

4. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
5. This application, for grant of anticipatory bail, arises out of Vishnupad Police Station Case No. 210 of 2023, dated 25.07.2023, disclosing offences under Sections 399/402 of the Indian Penal Code and Sections 25(1-b)26/35 of the Arms Act.
6. The prosecution case, as per the First Information Report, is that on 25.07.2023, the police, on the basis of secret information, reached near the place of occurrence and found that some persons were planning to commit dacoity and upon seeing the police party the miscreant started fleeing away, however, three persons were arrested and two persons, including the petitioner, succeeded in fleeing away. Upon search, the police recovered one country made pistol and a Pulsar motorcycle from the co-accused Chandan Kumar, one loaded country made pistol and a Apache motorcycle was recovered from the possession of co-accused Akshay Kumar @ Chhotu and one live cartridge was recovered from the possession of co-accused Raushan Kumar. It is further stated that name of the



petitioner, along with other persons, was disclosed by the co-accused Akshay Kumar @ Chhotu.

7. Learned counsel for the petitioner submits that the name of the petitioner transpired on the basis of disclosure of his name by the arrested co-accused persons. He next submits that petitioner is meritorious student and has passed matriculation examination with 1st Division on 31.03.2023. School leaving certificate was given to him on 03.07.2023 and the present First Information Report has been lodged on 25.07.2023. He further submits that similarly situated co-accused person Anjay Kumar @ Bobby has been granted anticipatory bail by this Court in Cr. Misc. No. 80468 of 2023.
8. Regards being had to the submissions made on behalf of the parties and taking into consideration the fact that the petitioner is having no criminal antecedent, he is a student and the co-accused has been granted anticipatory bail by this Court, I am inclined to grant the petitioner privilege of anticipatory bail.
9. This application is, accordingly, allowed.
10. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bond of Rs. 10,000/-
(Ten Thousand) each with two sureties of the like amount
each to the satisfaction of learned Chief Judicial
Magistrate, Gaya, in connection with Vishnupad Police
Station Case No. 210 of 2023, subject to the condition
laid down under Section 438 (2) of the Code of Criminal
Procedure.

(Anil Kumar Sinha, J)

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