

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27060 of 2024

Arising Out of PS. Case No.-77 Year-2022 Thana- BACHHWARA District- Begusarai

Kanhaiya Yadav @Krishna Kumar SON OF SOLE YADAV RESIDENT OF
VILLAGE- NAREPUR, PS- BACHHAWARA, DIST- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

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

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and has been falsely implicated in the instant case by the informant.

The informant alleges that accused persons including the petitioner intercepted his son and Diggaj Kumar assaulted him by an iron rod causing injury on head, thereafter, Dilip snatched chain and took out Rs. 3,000/-, on alarm his grandson came and saw the accused persons fleeing, thereafter, his son died.



Learned counsel for the petitioner submits that informant is not an eye-witness to the occurrence nor his grandson has seen the occurrence. It is further submitted that police after threadbare investigation came to a considered conclusion that petitioner is innocent and accordingly final form was submitted but the learned trial court differing with the police report in a mechanical manner took cognizance under Section 302 of the IPC read with other sections. Thus the petitioner apprehend his arrest. It is further submitted that even presuming what has been alleged is true without admitting then petitioner is not alleged to have assaulted the deceased. It is next submitted that when one Investigating Agency after threadbare investigation has come to a considered conclusion that petitioner is innocent whether it would be prudent to send the petitioner to jail, at this stage based on an order of cognizance which came to be taken based on the investigation which finds the petitioner is innocent.

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

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. 10,000/- (Rupees Ten 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 Bachhawara P.S. Case No. 77 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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