

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36367 of 2024

Arising Out of PS. Case No.-817 Year-2023 Thana- HILSA District- Nalanda

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Awadhesh Yadav @ Awadhesh Prasad SON OF LATE SONALI YADAV
VILLAGE- ALIPUR, PS- HILSA, DIST- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Rabindra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 24-06-2024 **1.** Heard learned counsel for the petitioner, learned A.P.P. for the State, Mr. Rabindra Kumar and learned counsel, Mr. Bipin Kumar, who is appearing on behalf of one Dev Kantam.
- 2.** The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 342, 332, 307, 353, 224 and 225 of the Indian Penal Code and Sections 25(1-B)a and 27 of the Arms Act.
- 3.** The learned counsel for the petitioner, at the outset, draws the attention of the Court to Annexure-3 (page-18) of the anticipatory bail application to submit that the photograph annexed as Annexure-3 is of the Sub-inspector of Police, Rajnish Kumar along with Dev Kantam. It is next submitted that Dev Kantam is having dispute relating to land with the



petitioner and since he is having friendly relations with the Sub-inspector of Police, Rajnish Kumar, as such the petitioner is being implicated in cases after cases.

4. It is next submitted that the instant FIR has been instituted by the Sub-inspector of Police, who is being represented by the learned APP, Rabindra Kumar, but learned advocate, Bipin Kumar also appears to oppose the anticipatory bail application on behalf of Dev Kantam, when he is not the informant of the case, further from perusal of the allegations as alleged in the FIR, it manifests that Dev Kantam does not have any concern with the occurrence, which amply demonstrates that the instant case also has been instituted at the instance of Dev Kantam and thus despite not being a party to the proceedings, is opposing the anticipatory bail application.

5. The learned counsel next submits that the informant in the instant case falsely implicated the petitioner with an allegation that he received information that the petitioner, who is an accused in another case, is sitting in a filed along with his son and when the police reached the place of occurrence, the petitioner pointed his pistol and started abusing, but with help of police official, his gun was snatched. Thereafter, the family members of the petitioner along with 15-



20 male and female accused came variously armed with *lathi*, *danda* and bricks and attached the police force and wife of the petitioner caught the private part of the informant and rescued her husband and the accused persons fled firing in the air.

6. It is submitted that the petitioner is on bail in all the cases in which he has been implicated except the present one and the police at the instance of Dev Kantam instituted the instant false case when no cartridge was recovered from the place of occurrence.

7. Learned A.P.P. for the State along with learned counsel appearing on behalf of Dev Kantam opposes the prayer for anticipatory bail of the petitioner but then learned counsel appearing on behalf of the Dev Kantam is not in a position to dispute Annexure-3 to the anticipatory bail application.

8. 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 Hilsa P.S. Case



No. 817 of 2023, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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