

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38344 of 2024

Arising Out of PS. Case No.-445 Year-2022 Thana- KUMAR KHAND District- Madhepura

Pawan Yadav @ Pawan Kumar Yadav, Son of Late Buchchi Yadav Resident
of Village- Barahkurwa, ward no 15, P.S.- Kumarkhand, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad

For the Opposite Party/s : Mr.Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 05-07-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 302, 120B, 386 and 34 of the Indian Penal Code.
3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and is a senior
citizen aged about 60 years and has been falsely implicated in
the instant case during the course of investigation based on
confession. It is next submitted that informant is the son of the
deceased and he instituted the instant F.I.R. against his brother,
mother and other accused persons. I
4. It is further submitted that from perusal of the
allegation as alleged in the F.I.R., it would manifest that



informant is not an eye witness to the occurrence and his father was shot dead and on account of dispute relating to property, he implicated his family members with general and omnibus allegation. It is next submitted that petitioner is not related with the informant in any manner rather is a co-villager and he came to be implicated in the instant case based on confessional statement of Sanju Devi, who is mother of the informant. It is further submitted that Sanju Devi has been granted the privilege of regular bail. It is thus submitted that the accused, in whose confession the name of the petitioner transpired, has been granted the privilege of regular bail, no useful purpose would be served by sending the petitioner to jail.

5. Learned A.P.P. Sri Chandra Bhushan Prasad submits that though a submission has been made that Sanju Devi has been granted the privilege of regular bail, but then, the order has not been brought on record.

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 Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Sessions Judge-III, Madhepura in connection with Kumarkhand (Bhatni O.P.) P. S. Case No.445 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, the petitioner at the time of surrender shall produce the certified copy of the order by which Sanju Devi has been granted bail, in the event, if the order is produced at the time of surrender, the bail bonds of the petitioner shall be accepted, but if the order granting bail to Sanju Devi is not produced at the time of surrender, in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

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