

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47105 of 2024

Arising Out of PS. Case No.-188 Year-2024 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Rajesh Yadav S/o Choudhary Yadav @ Choudhary Prasad Yadav R/o Village-
Surkhikal, P.S.-Barari, District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Indeshwari Mandal
For the Opposite Party/s : Mr.Md. Shakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 22-08-2024 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, 149,
341, 323, 332, 333, 307, 353, 504, 506 and 427 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of one case and the informant alleges
that he received an information on 8-3-2024 that accused
persons armed with weapons are assembling near house of
Ashok Yadav, accordingly he reached the place of occurrence,
when two women, who were standing outside the house of
Ashok Yadav, disclosed that all the FIR named accused along



with 5-6 unknown person had entered the house and are searching for Ashok Yadav and his son Bambam Kumar, further the informant was also informed that the accused persons have fled towards Sur Kali temple on coming to know that the police had arrived and when informant reached near Kali temple, he saw some people in drunken condition who started pelting stone over the force, further two persons, namely, Bajrag Yadav and Nitesh Yadav were apprehended who disclosed the name of the other accused including the petitioner who fled from the place of occurrence.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case. It is also submitted that name of the petitioner transpired in the confessional statement of apprehended accused in police custody which does not have any evidentiary value, further the allegation is also general and omnibus in nature, there is no specific allegation that petitioner was pelting stone on the police, it is further submitted that had the accused persons been apprehended in a drunken condition in that event the case would also have been instituted under the Excise Act, but then the same was not done which casts an 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. 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 Kotwali (Barari) P.S. Case No. 188 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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