

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60470 of 2024

Arising Out of PS. Case No.-129 Year-2024 Thana- ARARIA District- Araria

Bikram Kumar Yadav @ Vikram Kumar Yadav Son of Kamlu Yadav Resident
of Village - Diyari, Ward No.- 11, P.S. and District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti

For the Opposite Party/s : Mr.Jharkhandi Upadhyay

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-09-2024 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 341, 323,
324, 307, 379 and 34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner has antecedent of two cases and the informant alleges
that on 15-2-2024, while he was returning home from his
matrimonial home, when petitioner along with two unknown
accused intercepted him near Diyari Crossing assaulted him and
snatched his gold chain worth Rs. 1,50,000/- and Rs. 5,00,000/-
in cash from the vehicle. It is next alleged that the occurrence
was reported to Araria Police Station and when the informant
was returning from the police station, again he was intercepted



by the petitioner, his father and two unknown accused who assaulted him by sharp-edged weapons for filing a case for prior occurrence.

4. The learned counsel for the petitioner submits petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the FIR, it would manifest that the date of occurrence is 15-2-2024 and the FIR came to be instituted on 20-2-2024, which casts an aspersion on the case of the prosecution. It is also submitted that no doubt, the informant has suffered grievous injury, but then from perusal of the allegation as alleged in the FIR, it would manifest that allegation of assault is not specific. It is next submitted that whether the informant was assaulted by the accused person including the petitioner or not, is an aspect of investigation as there is delay in instituting the instant FIR. It is further submitted that from side of the petitioner, Araria P.S. Case No. 115 of 2024 has been instituted against the informant and his side on 17-2-2024 with respect to an occurrence dated 15-2-2024 alleging wherein that informant and other named accused persons had assaulted the petitioner and others. It is next submitted that the instant FIR is a counter blast to Araria PS. Case No. 115 of 2024. It is further submitted that the



petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

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 Araria P.S. Case No. 129 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. However, it is made clear that in the event, if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that the petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial court shall be at liberty to forthwith cancel the bail bonds of the petitioner after recording reasons.

8. Let a copy of this order be sent to the concerned



police station through the learned Trial Court.

(Satyavrat Verma, J)

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