

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57249 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- PAKARIBARAW District- Nawada

Ajay Kumar, Son Of Ravindra Yadav Resident Of Village - Devi Bigha,
Pakaribarawan, P.S. - Pakribarawan, District - Nawada

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Krishna Prasad Singh- Sr. Advocate Mr. Anirudh Kumar Sinha- Advocate
For the Opposite Party/s :	Mr. Rajiv Nayan- A.P.P. Mr. Sheo Kumar Prasad- Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-09-2024 1. Heard learned senior counsel for the petitioner, the
learned counsel appearing on behalf of the informant 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 Section 302/ 34 of the Indian Penal Code.

3. The learned senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that on 24.04.2024, Pravesh Yadav came to the matrimonial home of his sister for taking her back to her parental home, when accused persons including the petitioner came and started assaulting Pravesh and when his father Brahmdeo Yadav went to save him, when accused persons



assaulted him and even strangled thereafter informant along with cousin brother Yogendra Yadav came to save his father when accused assaulted the informant, thereafter his father was taken to hospital where he was declared dead.

4. The learned senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is next submitted that from perusal of the allegation as alleged in the FIR, it would manifest that it does not even remotely suggest that as to why the occurrence took place nor the allegation discloses the relation of the informant with the sister of Pravesh, It is also submitted that even presuming what has been alleged is true without admitting, then the allegation is that the accused persons were assaulting Pravesh, who had gone for *Bidai* of his sister, as such, the accused never had any enmity with the informant or his father, but then, it is submitted that since no reason has been assigned in the FIR, which cast an aspersion on the case of the prosecution. It is also submitted that even the allegation of assault is not specific though the post mortem report records that death was caused due to asphyxia on account of throttling. It is also submitted that the allegations are vague and cryptic and it appears that deliberately the allegations have been kept vague in



order to fill the lacuna during the course of investigation.

5. Learned A.P.P. as well as the learned counsel appearing on behalf of the informant opposes the anticipatory bail application of the petitioner, but then, are not in a position to rebut the submission of the learned senior counsel appearing on behalf of the petitioner that no reason has been assigned for the occurrence, nor the FIR discloses that how informant was related to the sister of Pravesh. The the learned counsel appearing on behalf of the informant submits that if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned senior counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned senior 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 Judicial Magistrate, 1st Class, Nawada in connection with Pakaribarawan P. S. Case No.187 of 2024, subject to the conditions laid down under



Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that 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 cancel the bail bonds of the petitioner after recording reasons.

9. 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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