

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63674 of 2024

Arising Out of PS. Case No.-77 Year-2024 Thana- DUMRAO District- Buxar

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Pappu Yadav Son of Munna Yadav R/O Vill.- Ahibaran Rai Ke Dera, P.O.-
Dumraon, P.S.- Krishna Brahm, Brahampur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Shailendra Kumar Choubey, Adv.
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 16-12-2024 Heard Mr. Shailendra Kumar Choubey, learned

counsel for the Petitioner and Mr. Binod Kumar No.3, learned

APP for the State.

2. The petitioner apprehends his arrest in connection
with Dumraon P.S. Case No. 77 of 2024 dated 09.03.2024
registered for the offences punishable under Sections 387, 506,
504 and 120 B of the Indian Penal Code.

3. As per the prosecution story, on 06.03.2024 at 5:00
P.M., the informant gave a written complaint that while he was
returning to his village from Dumraon, two persons namely,
Vishwas Mali and Pappu Yadav (the petitioner) stopped him.
The accused took out pistols from their waists, pressed and put



one pistol at the informant's temple and threatened him. They demanded to settle the earlier case and warned, if he refused, he would be killed within ten days. When people started gathering at the scene, the accused fled away. The informant stated that he was in fear for his life and property and requested that necessary legal action be taken to protect him.

4. The main submissions advanced by learned counsel appearing for the petitioner are that as per the FIR, alleged occurrence took place on 06.03.2024 but the FIR was registered on 09.03.2024 without explaining the reason of delay of three days, in fact, Brahmpur P.S. Case No. 118 of 2024 was registered on 09.03.2024 of which FIR's copy has been filed as Annexure-P/2 and the same clearly depicts that the co-accused Viswash Mali was arrested on 09.03.2024 in the present matter at 3:25 P.M. while the information in relation to the FIR of the present matter, was given by the informant at 8:30 P.M. on 09.03.2024, which shows that arresting of the said co-accused had been made prior to the filing of the Dumraon P.S. Case No. 77 of 2024 which makes the prosecution's case highly suspicious.

5. On the other hand, learned APP for the State has vehemently opposed the prayer for bail of the petitioner.



6. Heard both the sides, perused the FIR and the order impugned. As per allegation, on 05.01.2023, when the informant was returning from the Dumraon Branch of Bank of Baroda with the cash amount of Rs. 5,80,000/- then three unknown accused persons dashed their motorcycles against the informant's motorcycle and snatched away the bag of the informant containing money for which Brahmpur P.S. Case No. 10 of 2023 was lodged under Sections 394 and 412 of IPC and during the course of investigation, the petitioner and co-accused Vishwas Mali were arrested and sent to jail but thereafter, the petitioner got bail and then on 06.03.2024, the petitioner and co-accused put the informant in fear by showing a country made pistol and pressurized him to make compromise in Brahmpur P.S. Case No. 10 of 2023. The said allegation is very serious in nature and the petitioner has criminal antecedents of four cases out of them one was registered for the offence of loot, in my opinion, it is not a fit case for anticipatory bail to the petitioner, accordingly, his prayer stands rejected.

7. However, in view of above defence taken by the petitioner, he is given a liberty to surrender before the trial court, if he surrenders within twenty days from the date of this order, then the learned trial court will decide his regular bail



prayer according to the merit at the earliest without being
prejudiced with this order.

(Shailendra Singh, J)

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