

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63302 of 2024

Arising Out of PS. Case No.-348 Year-2023 Thana- GOGRI District- Khagaria

Rahul Yadav Son of Arun Yadav Resident of Village - Usari, Police Station -
Gogri, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmatma Singh, Advocate
For the Opposite Party/s : Mr. Raj Kishor Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 17-12-2024 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, 385, 504, 506 and 34 of the Indian Penal Code as
well as Section 27 of the Arms Act.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that his brother Dharmendra Kumar on 23.09.2023 at
08:00 p.m. was standing at the dam behind his house draining
rain water, when 15-20 accused on 10-12 motorcycles came
variously armed and demanded extortion of Rs.5 lakhs. On
protest, they started threatening and Rahul Yadav on the point of
pistol took Rs.87,000/- from the pocket of the brother of the
informant and Barun Yadav assaulted his brother by a sharp



edged weapon causing injury on head. Further, when informant and his nephew went to save him they were assaulted by the accused persons. On alarm, villagers started gathering when Md. Tabrej and Md. Miniya started firing to create panic. Further, with the help of villagers Barun Yadav was caught and two motorcycles were seized and one of the motorcycles so seized was the one on which Rahul Yadav was sitting.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that only allegation against the petitioner is that he snatched Rs.87,000/- from the pocket of the brother of the informant at the point of pistol. It is next submitted that it does not appear probable that in night at 08:00 p.m. the brother of the informant would have been carrying such large amount of cash in his pocket. It is also submitted that during the course of investigation, it has come that allegation of snatching Rs.87,000/- from the brother of the informant is an exaggerated allegation. It is further submitted that it has also come during the course of investigation that since the brother of the informant was draining rain water as such it had flooded the road on account of which Barun Yadav fell while coming on motorcycle



and on account of which an altercation took place in which both sides assaulted each other. It is next submitted that even the parties have compromised the case.

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, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below 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 court below where the case is pending/successor court in connection with Gogri P.S. Case No. 348 of 2023 arising out of G.R. No. 3298 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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