

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64075 of 2024

Arising Out of PS. Case No.-783 Year-2022 Thana- GARKHA District- Saran

NARAYAN YADAV @ NARAYAN KUMAR Son of Ramdahin Ray
Resident of Village - Hematpur, Police Station - Garkha, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Opposite Party/s : Mr. Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 20-11-2024 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case
in connection with Garkha P.S. Case No. 783 of 2022 dated
17.12.2022 registered for the offence/s punishable u/ss 341,
323, 324, 307, 379 and 504/34 of the I.P.C.

3. As per the prosecution case, the petitioner and the
co-accused stopped the informant's motorcycle and Sukesh
Rai demanded money from him when he told that he has only
50-60 rupees, they abused and assaulted him. On being
protested, the co-accused Arvind Ray and Amir Ray assaulted
him with knife and danda. When the informant tried to
escape, Sukesh Rai caught him and the petitioner Narayan



Yadav took out Rs. 50,000/- from his pocket and threatened him with dire consequences. The co-accused Arvind Rai stabbed the informant with a knife in his stomach, due to which, he sustained injury. On hulla, his brother and villagers came then the accused persons fled away. He was brought to Garkha Hospital for treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case as the informant, who himself made scuffle with the saint of Akrahi Monastery situated in the village on account of a dispute which arose between the informant and the saint of the said Monastery with respect to collection of donation for the Monastery. After investigation, police has found that the petitioner has no concern with the alleged occurrence rather the scuffle took place between the informant and the saint of the Monastery. It is further submitted that the doctor has not found any injury on the informant's stomach, however, two injuries have been found on the informant's back which are simple in nature. There is general and omnibus allegation against the petitioner. It is further submitted that the alleged occurrence took place on 07.12.2022 and the F.I.R. was lodged on 17.12.2022 i.e., after



a lapse of 10 days from the date of alleged occurrence for which no explanation has been given by the prosecution. It is further submitted that after lodging of the F.I.R. on 17.12.2022 the same was sent to the court on 23.12.2022 i.e., after a lapse of 6 days from the date of registration of the F.I.R. for which also no explanation has been made in the F.I.R. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Saran, Chhapra in connection with Garkha P.S. Case No. 783 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every



date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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