

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74980 of 2024**

Arising Out of PS. Case No.-468 Year-2021 Thana- SAUR BAZAR District- Saharsa

Rakesh Kumar @ Rakesh Yadav @ Rakesh S/O Late Pintu Yadav @ Pintu Prasad Yadav R/O Village- Chandour, P.S- Saur Bazar, Distt.- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      22-11-2024                      1. Heard the learned counsel for the petitioner and the learned A.P.P. for the State.

2. This is an application for grant of anticipatory bail in connection with Saur Bazar P.S. Case No. 468 of 2021, registered for the offences punishable under Sections 337, 338, 279, 341, 342, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The accused persons, on the alleged date and time of occurrence, are stated to be travelling on six motorcycles and it is alleged that the said motorcycles were being driven in a negligent manner, whereafter the co-accused person, namely, Golu Yadav had hit one Jata Shankar Yadav, while he was sitting for defecating, by the motorcycle, he was driving. Thereafter, it is alleged that the villagers had arrived there, however, the



accused persons had fired in the air, whereafter, they had fled away.

4. The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the petitioner and he has not been alleged to have engaged in any specific overt act, much less having dashed his motorcycle with any person.

5. Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is neither alleged to have engaged in any sort of specific overt act nor had hit anyone by his motorcycle, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks



from today, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Saharsa in connection with Saur Bazar P.S.Case No. 468 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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