

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69624 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- SAHPUR District- Bhojpur

Shatrughan Yadav Son of Late Birendra Yadav R/o Vill - Karnamepur, P.S -
Shahpur, District - Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr.Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 29-01-2025 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 302/34 of the IPC in connection with Shahpur P.S. Case No.24 of 2024.

3. The learned counsel for the petitioner submits that petitioner is a person with clean antecedent and has been falsely implicated in the instant case by the informant.

4. It is further submitted that informant and the petitioner are related and are having dispute relating to property. It is further submitted that date of occurrence is 11.01.2024 and the fardbeyan of the informant was recorded on 16.01.2024 at Referral Hospital, Shahpur. It is next submitted that from perusal of the allegation as alleged in the FIR it would manifest



that informant alleges that on 11.01.2024 the accused persons including the petitioner came and they started assaulting his father in presence of the informant, as such the informant went to seek help from his uncle and cousin brother and by the time they came his father was already brutally assaulted, as such he was taken to the PHC and after treatment the informant took him to his sister's place, but on 15.01.2024 the condition of his father deteriorated as such he was admitted in the hospital when the fardbeyan came to be recorded.

5. The learned counsel submits that from perusal of the allegation as alleged in the FIR it would manifest that the date of occurrence is 11.01.2024 and after the occurrence the informant himself alleges that his father was treated at the PHC and thereafter he took him to his sister's place and on 15.01.2024 again when his condition deteriorated he was taken to the Referral Hospital. It is further submitted that it absolutely does not stand to reason that as to why the informant on 11.01.2024 did not institute the FIR and if his father was taken to the PHC for treatment after the occurrence then why the police was not informed either by the informant or the PHC which casts an aspersion on the case of the prosecution. It is also submitted that allegation of assault is general and omnibus



in nature. It is further submitted that father of the petitioner was killed by the informant and others for which Shahpur (Karnamepur O.P.) P.S. Case No.321 of 2022 came to be instituted in which trial is progressing as such the instant false case came to be instituted to coerce the petitioner into submission.

6. The learned APP opposes the anticipatory bail application.

7. Considering the submissions made by the learned 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Shahpur P.S. Case No.24 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

8. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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