

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.88084 of 2024

Arising Out of PS. Case No.-622 Year-2024 Thana- BIHTA District- Patna

Manoj Kumar @ Manoj Yadav @ Manosh Yadav S/o- Late Chandgovind
Yadav Resident of Village- Doghra, Dadhara, PS- Bihta, District-Patna
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Nawnit Kumar Tiwary, Advocate
For the Opposite Party/s :	Mr. Kalyan Shankar, A.P.P.
	Ms. Soni Shrivastava, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-01-2025 1. Heard learned counsel for the petitioner, learned

A.P.P. for the State and Ms. Soni Shrivastava learned counsel
appearing on behalf of the informant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 103(1) and
3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 as well as
Section 27 of the Arms Act.

3. Learned counsel appearing on behalf of the
petitioner submits that petitioner is a person with clean
antecedent and the informant alleges that on 12.07.2024 at about
06:10 a.m. the informant's daughter had gone to attend the call
of nature outside the house when she heard the sound of firing
and saw that the accused persons, namely, Jitendra Yadav, Manu
Yadav, Manoj Yadav (petitioner), Guddu Yadav, Sunil Yadav



had confined her brother Anjit Yadav. Further, Jitendra Yadav and Manu were carrying arms in their hands while Manoj Yadav, Guddu Yadav and Sunil Yadav had confined her brother and Jitendra and Manu shot him causing injury on his chest leading to his death. Further, the informant's daughter went to save her brother but the accused persons kicked her and also fired at her 4-5 rounds but she managed to save herself.

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 informant is not an eyewitness to the occurrence and no motive has been assigned in the FIR for the accused to commit the occurrence. It is next submitted that it does not appear probable that daughter of the informant in the village at about 06:10 a.m. in the morning would have gone to attend the call of nature when the occurrence is alleged to have been committed. It is also submitted that it does not appear probable that petitioner would have left the daughter of the informant alive when she had seen the occurrence and thus would have created evidence against themselves. It is submitted that as far as this petitioner is concerned, he is alleged to have confined the deceased along with two other named accused but then is not alleged to have



fired. It is further submitted at the cost of repetition that petitioner is 51 years of age and is a person with clean antecedent and all of a sudden has been made a criminal with an allegation that he was also present at the place of occurrence.

5. Learned A.P.P. and learned counsel appearing on behalf of the informant opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf of the petitioner that petitioner is not alleged to have fired at the deceased and why the accused persons would have left the daughter of the informant alive when she had seen the occurrence and had also gone to the place of occurrence to save her brother.

6. Learned counsel appearing on behalf of the informant submits that if privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond on which learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

7. 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.20,000/- (Rupees Twenty 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 Bihta P.S. Case No. 622 of 2024, subject to the conditions as laid down under Section 482(2) of the BNSS.

8. However, if the investigating officer of the case files an application bringing to the notice of the learned trial court that petitioner despite giving assurance to this Court is not cooperating in the investigation, the learned trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Satyavrat Verma, J)

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