

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81024 of 2025

Arising Out of PS. Case No.-63 Year-2017 Thana- TARABARI District- Araria

Subhash Kumar Yadav S/o Ganga Lal Yadav R/o village - Dipnagar, Dhum
Tola, Ward No. 10, P.S - Sikti, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Ravish

For the Opposite Party/s : Mr. Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-01-2026 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 365 and 34
of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant
alleges that accused persons including the petitioner intercepted
his father while he was going to meet his Samadhi on bicycle
and abducted him.

4. Learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case by the
informant. It is next submitted submitted final form bearing
Final Form No. 77/2023 dated 31.07.2023 finding the case to be



true but no clue and the accused persons including the petitioner were not sent up for trial. It is next submitted that the learned trial court differing with the police report took cognizance by an order dated 08.05.2025, thus petitioner apprehends his arrest. It is further submitted that when during the course of investigating no material transpired connecting the petitioner with the offence as such police submitted final form then what material were found by the learned Magistrate in the case diary, based on which cognizance came to be taken. It is submitted that the cognizance has been taken in a mechanical manner. It is also submitted that when one investigating agency after investigation submitted final form finding the petitioner to be innocent, whether it would be prudent for the Court to send the appellant to jail based on an order of cognizance which came to be taken based on the same police report which exonerated the petitioner.

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, 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 trial court where the case
is pending/successor court in connection with Tarabari P.S. Case
No. 63/2017, subject to the conditions as laid down under
Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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