

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57640 of 2015

Arising Out of PS.Case No. -126 Year- 2015 Thana -CHARPOKHARI District- BHOJPUR

- =====
1. Lallu Yadav Son of late Krishna Yadav
 2. Deo Kumar Yadav son of Sohrai yadav Both are resident of Village-
Chandi ,Police Station- Charpokhari, District Bhojpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat(Spl. PP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-01-2016 Heard learned counsel for the petitioners and learned
Special P.P. for the State.

Petitioners apprehend their arrest in connection with
Charpokhari P.S. Case No. 126 of 2015 registered for offences
punishable under Sections 147, 148, 149, 307, 120B of the Indian
Penal Code, Section 27 of the Arms Act and Section 3(2) (v) of
the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

As per the fardbeyan of the informant dated 30.04.2015
submitted before the Officer-in-charge, Charpokhari Police
Station, it is alleged that in the night of 28-29.04.2015, the
informant heard firing sound and when she flashed her torch, she
saw that all the named accused persons were firing. All the

accused persons entered into the house of the informant. She further alleged that the occurrence took place on the instruction of Pritam Yadav and Ranjit Yadav and that the accused persons had earlier made attempt to kill Budh Ram Paswan, Ashish Paswan and Mantu Paswan.

It has been submitted by the counsel for the petitioners that no case under Section 307 of the Indian Penal Code is made out, as allegation is only of firing, which did not cause any injury to anyone. It has further been submitted that no case under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out, as is evident from perusal of the First Information Report. Furthermore, it has been submitted that no overt act is attributed against these petitioners and admittedly petitioners have been falsely implicated due to some earlier dispute. It has been submitted that there is no criminal antecedent of the petitioners, as is evident from paragraph 3 of this petition.

On the other hand, learned Special P.P. submits that there is allegation of firing against the petitioners and other accused persons.

Be that as it may, let the petitioners, above named, in the event of their arrest or surrender before the Court below within a period of twelve weeks from today, be released on bail on

furnishing bail bonds of Rs. 10,000/- (Ten thousand only) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Bhojpur at Ara in connection with Charpokhari P.S. Case No.126 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr. P.C.

(Nilu Agrawal, J.)

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