

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14988 of 2016

Arising Out of PS.Case No. -175 Year- 2015 Thana -KAKO District- JEHANABAD

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1. Manoj Yadav @ Manoj Kumar, S/O Kameshwar Yadav,
 2. Upendra Yadav, S/O Kameshwar Yadav,
 3. Bengali Yadav, S/O Late Rampati Yadav,
 4. Vijay Yadav, S/O Radhey Krishna Yadav,
 5. Radha Krishna Yadav, S/O Late Nagina Yadav,
 6. Mahesh Yadav, S/O Late Nagina Yadav
 7. Lalendra Yadav @ Lalendra Prasad, S/O Late Nagina Yadav
 8. Santosh Yadav, S/O Chaman Yadav,
 9. Guddu Yadav, S/O Dinesh Yadav,
 10. Rajesh Yadav, S/O Mahendra Yadav,
 11. Rakesh Yadav @ Rakesh Kumar, S/O Mahendra Yadav
 12. Ramesh Yadav, S/O Ramashish Yadav,
 13. Rajendra Yadav, S/O Bhagirath Yadav,
 14. Suresh Yadav, S/O Ganauri Yadav

All are resident of Village – Chandaura, P.S.- Kako, District –
Jehanabad.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Rajesh Kumar, Advocate.

For the Opposite Party : Mr. Bhanu Pratap Singh, (App).

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 10-05-2016

Heard both sides.

The petitioners apprehend their arrest in Kako P.S. Case No. 175 of 2015, registered for the offences punishable under Sections 147, 148, 149 and 307 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant named 14 persons and alleged that when he was sowing mustard seeds in his field along with his brother-in-law all the accused persons having armed with firearms came.

Manoj Yadav, Upendra Yadav and Vijay Yadav opened fire causing firearm injury to him.

Learned counsel for the petitioner submits that there is a counter version being Kako P.S. Case No. 176 of 2015. The injuries found on the person of Pappu Kumar are simple in nature.

From perusal of the records, it appears that petitioner no. 1 Manoj Yadav, petitioner no. 2 Upendra Yadav, petitioner no. 4 Vijay Yadav, petitioner no. 5 Radha Krishna Yadav and petitioner no. 9 Guddu Yadav have got criminal antecedents and there is specific allegation of firing against Manoj Yadav, Upendra Yadav and Vijay Yadav causing firearm injury to the informant.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner no. 1 Manoj Yadav, petitioner no. 2 Upendra Yadav, petitioner no. 4 Vijay Yadav, petitioner no. 5 Radha Krishna Yadav and petitioner no. 9 Guddu Yadav on anticipatory bail. Accordingly, the same is rejected.

So far as case of petitioner no. 3 Bengali Yadav, petitioner no. 6 Mahesh Yadav, petitioner no. 7 Lalendra Yadav @ Lalendra Prasad, petitioner no. 8 Santosh Yadav, petitioner no. 10 Rajesh Yadav, petitioner no. 11 Rakesh Yadav @ Rakesh Kumar, petitioner no. 12 Ramesh Yadav, petitioner no. 13 Rajendra Yadav, and petitioner no. 14 Suresh Yadav is concerned there is

no allegation of firing against them, they in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Jehanabad in Kako P.S. Case No. 175 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Prabhat Kumar Jha, J.)

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