

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18959 of 2017

Arising Out of PS.Case No. -195 Year- 2016 Thana -PHULPARAS District- MADHUBANI

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ASHOK YADAV @ ASHOK KUMAR YADAV Son of Sri Sukhsagar
Yadav, resident of village - Danda Tola, P.S. Phulparas, District -
Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Amit Kumar Rakesh

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

2 22-05-2017 Heard the learned counsel for the petitioner as well as

the learned A.P.P. for the State.

In this application for anticipatory bail the petitioner
apprehends his arrest in connection with Phulparas P.S. Case No.
195 of 2016/ G.R. No. 1024 of 2016 for the offences punishable
under sections 147, 148, 149, 341, 323, 326, 307 and 302 of the
I.P.C and section 27 of the Arms Act.

Allegedly, the petitioner asked the Amin to pull the
bamboo stick and then the informant told him why he will pull the
bamboo stick, then other co-accused being armed with firearms
came there and Sukhsagar Yadav shot Omprakash Yadav, the son
of the informant, and others also fired upon him resulting
Omprakash Yadav became seriously injured and he was brought to
the Subdivisional Hospital and from there he was referred to



D.M.C.H. Darbhanga.

Submission is of false implication and that against the petitioner there is no specific allegation for assaulting any one, he was not armed with any weapon and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes prayer for pre-arrest bail of the petitioner by submitting that co-accused Murat Yadav, Dilip Yadav and Ram Sagar Yadav have been allowed regular bail and not pre-arrest bail.

In the facts and circumstances as stated above, considering that against the petitioner there is no allegation of assaulting any one, further he was not armed with any weapon and as such the petitioner, in case of his arrest or surrender within four weeks from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of. A.C.J.M. Jhanjharpur, District- Madhubani in connection with above mentioned case, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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