

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.20667 of 2017

Arising Out of PS.Case No. -66 Year- 2016 Thana -KARAI PARSARAI District- NALANDA
(BIHARSHARIFF)

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1. Santosh Kumar @ Santosh Yadav, son of Mangal Yadav,
2. Mangal Yadav, son of Late Baleshwar Yadav, Both are resident of
Village- Nijamat, Police Station- Dhanarua, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Sri S.M. Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

3 09-08-2017 Heard learned counsel for the petitioners and the
learned A.P.P. for the State.

The petitioners apprehend their arrest in connection
with Karai Parsurai P.S. Case No. 66 of 2016, registered under
Sections 147, 148, 149 and 302 of the Indian Penal Code and
Section 27 of the Arms Act.

The accusation is that, on 18.09.2016, at about 9 A.M.,
when Shiv Shankar Prasad, uncle of the informant, reached at
South Pindara Khandha, Village Bharwa, then seven persons
named in the F.I.R. including the petitioners surrounded to Shiv
Shankar Prasad, uncle of the informant, on which, uncle of the
informant started to flee away moving the motorcycle but he was



chased and firing was made by Sumgar Yadav, in which, uncle of the informant sustained firearm injury then he fell down. Thereafter, Rohan Yadav, Sanjay Yadav and Upendra Yadav also shot fire at the uncle of the informant and Santosh Kumar (petitioner no. 1), Navin Kumar and Mangal Yadav (petitioner no. 2) also caused injury through knife at the uncle of the informant, who died later on. The cause of occurrence is due to land dispute.

Learned counsel for the petitioners submits that, in fact, petitioner no. 1, Santosh Kumar @ Santosh Yadav, son of petitioner no.2, was not present at the place of occurrence as he was apprehended by the police at Jharsugunda Police Station in Jharsugunda P.S. Case No. 470 of 2016 on 19.09.2016 and he was remanded in the same day, which would appear from annexure 2 to the application.

Having considered the facts and circumstances of the case, let the above named petitioner no. 1 be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Hilsa, Nalanda, in connection with Karai Parsurai P.S. Case No. 66 of 2016, subject to the condition as laid down under



Section 438(2) of the Cr.P.C.

So far as petitioner no. 2, Mangal Yadav, is concerned, having considered the facts and circumstances of the case and the nature of allegation against the petitioner no. 2, I am not inclined to grant anticipatory bail to the petitioner no. 2. Accordingly, his prayer for grant of anticipatory bail stands rejected. The petitioner no. 2 is directed to surrender before the trial court within four weeks and pray for regular bail, which would be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

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