

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28418 of 2017

Arising Out of PS.Case No. -97 Year- 2017 Thana -SULTANGANJ District- BHAGALPUR

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1. Mithalesh Yadav, son of Late Rasiklal Yadav,
 2. Narad Yadav, son of Late Jai Prakash Yadav,
 3. Chhabil Yadav, son of Opi Yadav @ Upendra Yadav, All are resident of Village- Mirhatti, P.S.- Sultanganj, District- Bhagalpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Manoj Kumar, Advocate.

For the Opposite Party : Mr. Md. Nazir Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners are apprehending their arrest in connection with Sultanganj P.S. Case No. 97 of 2017 for the offences instituted under Sections 341, 323, 307, 504 of the IPC and 25(1-b) a, 26, 27 and 35 of the Arms Act.

The prosecution story, in brief, is that on 22.04.2017 at about 3 O'clock the informant was drying his clothes on the roof, due to air pressure, his clothes fell down in the courtyard of accused, namely, Mithilesh Yadav. Consequently, who started abusing the informant, then the informant came out from his house and asked them as to why they are abusing him, then again started



abusing the informant. Thereafter, cousin brother of Mithilesh Yadav, namely, Chhabil Yadav and Narad Yadav came there and they started to assault the informant, then the informant fled away from there to save his life. Then Chhabil Yadav ran away in his house and came with country made pistol and fired upon the informant and his uncle with an intention to kill them. One round fired on the informant (Amit Kumar) and two rounds fired on uncle of the informant (Jang Bahadur Yadav). It is also alleged that no any person was injured, and in the meantime, the villagers came there on sound of firing and snatched the country made pistol from Mithilesh Yadav. Mithilesh Yadav, Chhabil Yadv and Narad Yadav fled away from place of occurrence then the informant handed over a country made pistol and cartridges.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioners. They have falsely been implicated in the present case. In course of occurrence, none is said to have been injured. No offence under Section 307 of the IPC is made out in the present case.

On behalf of the State, it has been submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the



petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Sultanganj P.S. Case No. 97/2017 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 Addl. C.J.M., Bhagalpur, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

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(Sudhir Singh, J)

