

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55682 of 2018

Arising Out of PS.Case No. -12 Year- 2018 Thana -PAWANA District- BHOJPUR

- =====
1. Bhim Yadav, Son of Kameshwar Yadav,
 2. Kundan Yadav, Son of Vinay Yadav,
 3. Sanjay Yadav @ Sanjay Kumar, Son of Rajdeo Yadav,
- All residents of Village- Pawar, P.S.- Pawana, District- Bhojpur.

.... Petitioners

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dharmesh Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Narsingh Tanti, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioners and
learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection
with Pawana P. S. Case No. 12 of 2018 registered under
Sections 147, 148, 149, 323 and 307 of the Indian Penal Code
and 27 of the Arms Act.

It is submitted by the learned counsel for the
petitioners that similarly circumstanced co-accused Nitesh
Yadav @ Nitesh Kumar, Upendra Kumar @ Upendra Singh
and Nunhuk Yadav @ Raj Kumar Yadav have already been
granted pre-arrest bail by a co-ordinate Bench of this Court vide



order dated 10.08.2018 passed in Cr. Misc. No. 46421 of 2018. It is further submitted that as far as the petitioners are concerned, they are alleged to have opened fire, but no firearm injury was found either on the person of Janaki Devi or on the person of Usha Devi. The medical report of Janaki Devi would show that she had sustained simple injury caused by hard and blunt substance. It is further submitted that there is counter case and several members of petitioners' side had also sustained injury in the alleged incident.

Learned Additional Public Prosecutor for the State opposed the prayer for grant of pre-arrest bail to the petitioners. However, he admitted that three co-accused persons having more or less identical allegation to that of the petitioners have already been granted pre-arrest bail by a co-ordinate Bench of this Court.

Regard being had to the submissions made above, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in Pawana P. S. Case No. 12 of 2018 , subject to the



conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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