

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19940 of 2018**

Arising Out of PS. Case No.-13 Year-2018 Thana- WARISNAGAR District- Samastipur

1. Manish Kumar Yadav @ Manish Kumar son of Rajendra Rai resident of village - Muktapur, P.O. Muktapur, P.S.Kalyanpur, District - Samastipur.
2. Uma Shankar Prasad Yadav @ Uma Shankar Yadav @ Munna Yadav son of Sukhdeo Prasad Yadav resident of village - Muktapur, P.O. Muktapur, P.S.Kalyanpur, District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Subodh Kumar  
For the Opposite Party/s : Mr. Sri Akbar Ali

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      06-04-2018      Heard learned counsels for the parties.

The petitioners are apprehending arrest in a case registered for the offences punishable under sections 147,148,149,341,323,354,447 and 379 of the IPC and Section 27 of the Arms Act.

The prosecution case got initiated with the written report of Sanjay Kumar dated 25.1.2018 submitted to the SHO, Mathurapur O.P. Warisnagar is to the effect that on the same day at 5.30 P.M. the informant was at his shop when he heard the sound of gun firing and went towards his house to find 70-80 people pelting stones on his house and the petitioners firing. The family members were screaming for help, whereafter the



villagers assembled then the petitioners resorted to fire on the informant but he managed to save himself. In the meantime, co accused Prabhat Kumar Rai took out Rupees Thirteen Thousand from the house of the informant.

It is submitted by learned counsel for the petitioners that for the occurrence of 25.1.2018 at 5.30 P.M. the FIR was registered on 26.1.2018 at 7 A.M. and the same reached to the court of I/c CJM on 29.1.2018, which suggests that the FIR has been registered by antedating. Admittedly none received any injury and out of 70-80 accused persons who participated in the occurrence the informant only identified the two petitioners and one co-accused Prabhat Kumar Rai. In fact, the informant was on inimical terms with the petitioners since the daughter of the informant earlier married with the co-villager of the petitioners. The informant got a case also registered by the neighbouring shopkeeper against the petitioners vide Warisnagar P.S. Case No. 14 of 2018 and prior to that petitioner no. 1 was made accused in Warisnagar P.S. Case No. 216 of 2015 but he is on bail in that case.

Learned APP submits that there is specific accusation against the petitioners.

Considering the delayed lodging of the FIR, none



received any injury and no arms except some used cartridges were recovered from the petitioners, let the petitioners above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks 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 CJM, Samastipur in connection with Warisnagar P.S. Case No.13 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

**(Dinesh Kumar Singh, J)**

anil/-

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