

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66759 of 2018

Arising Out of PS. Case No.-67 Year-2018 Thana- ARA RAIL P.S. District- Bhojpur

Radha Mohan Yadav, Son of Paras Yadav, resident of Village- Banahi, P.S. Shahpur, Dist.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Manoj Kumar, Advocate.
For the Opposite Party	:	Mr. Murlidhar, A.P.P.
For the Informant	:	Mr. Gopal Krishna, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 30-11-2018 Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel for the opposite party no. 2.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 307, 506 of the IPC, 27, 25(1-b)(a) and 26 of the Arms Act.

The prosecution story, in brief, is that on 16.08.2017 when the informant alongwith his uncle Krisna Kumar Yadav came at Banahi Railway Station to go Ara at 6.00, co-accused Tunu Yadav and petitioner caught hold the hand of informant. In the meantime, co-accused Kamlesh Yadav open fire by pistol but same did not hit him then co-accused Rakesh Kumar @ Bullet Yadav and Neeraj Kumar have also open fire from close



range, as a result of which, he sustained injuries in his back side and on right hand. When his uncle came to rescue him then co-accused Tunu Yadav and Radha Mohan Yadav(petitioner) assaulted by knife causing injury on his head. On hulla, villagers came there. Co-accused Kamlesh Yadav fled away after throwing pistol. Mobile of co-accused Rakesh Yadav @ Bullet Yadav has fallen on the Railway Track. Radha Mohan Yadav (petitioner) fled away by his Motorcycle and other co-accused persons also manage to escape from there.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Nature of injury is said to be simple. No offence under Section 307 of the IPC is made out. Rests of the offences are triable by the Magistrate.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of six weeks



from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Railway at Ara, in connection with Ara Rail P.S. Case No. 67 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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