

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39693 of 2018

Arising Out of PS. Case No.-61 Year-2018 Thana- DHARHARA District- Munger

Raja Yadav @ Raj Yadav S/o Ramji Yadav, R/o Vill./Mohalla- Aaura Bagicha,
P.S.- Dharhara, District- Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjiv Kumar Singh, Adv.
For the Opposite Party/s : Sri Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 11-07-2018 Heard learned Counsels for the petitioner and learned
APP for the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Section 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case got initiated on the basis of written report dated 27.03.2018 submitted by Subodh Yadav to the Station House Officer, Dharhara Police Station is to the effect that on 26.03.2018 at 11.45 P.M, when the informant was returning to his home by his car, in the meantime, five FIR named accused persons, including the petitioner, resorted to fire, but it did not hit the informant and the informant somehow managed to escape from the scene. It is further alleged that since the petitioner failed to make payment of the extortion amount of Rupees Ten Lacs demanded by the accused persons, the firing was made.



It is submitted by learned counsel for the petitioner that frivolous accusation has been made against the petitioner. No injury has been caused to the informant. As per the FIR, the demand of extortion was made earlier, but no case was lodged at that time by the informant. Moreover, the informant himself has been accused in large number of cases. Though, statement has been made in paragraph no.3 of the petition that the petitioner is accused in twelve other cases apart from the present case, but in all the cases, he has been acquitted. At present, he is not having any criminal antecedent.

It is submitted by learned APP for the State that the petitioner was a party to the occurrence of firing, however, concedes that no injury has been caused to the informant.

Considering the fact that no injury has been caused to the informant when the accusation of firing is against five persons, coupled with statement made in paragraph no.3 of the petition that though the petitioner is accused in twelve other cases, but in all the cases, he has been acquitted, let the above named petitioner be released on anticipatory bail, in the event of arrest or surrender before the learned Court below within a period of 12 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 learned ACJM-I, Munger, in



connection with Dharhara P.S. Case No.61 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The bail bonds of the petitioner will be accepted by the learned Court below after verification of the factum of criminal antecedent of the petitioner.

(Dinesh Kumar Singh, J)

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