

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.31862 of 2017**

Arising Out of PS.Case No. -78 Year- 2017 Thana -MASAURHI District- PATNA

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1. Sakaldeo Yadav  
2. Luknarayan Yadav,  
Both Sons of Late Butu Yadav, Resident of Village-Chulhaichak, P.S.-  
Masaurhi, District-Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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with

**Criminal Miscellaneous No.48848 of 2017**

Arising Out of PS.Case No. -78 Year- 2017 Thana -MASAURHI District- PATNA

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Premchand Yadav, Son of Luk Narayan Yadav, Resident of Village  
Chulhaichak, P.S.- Masaurhi, District Patna.

.... .... Petitioner/s

Versus

1. The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

(In Cr.Misc. No.31862 of 2017)

For the Petitioner/s : Mr. Ashok Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Surendra Prasad Singh, A.P.P.

(In Cr.Misc. No.48848 of 2017)

For the Petitioner/s : Mr. Prem Ranjan Kumar, Advocate

For the Opposite Party/s : Mr. Manish Kumar 2, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA**

**ORAL ORDER**

6      02-01-2018

Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in **Masaurhi P.S.**

**Case No. 78 of 2017** instituted for the offence under Sections 341, 342,  
323, 324, 504, 506, 307/34 of the Indian Penal Code and Section 27 of  
the Arms Act.



As per written report there is specific allegation against Prem Chandra Yadav (petitioner of Cr. Misc. 48848 of 2017) of causing firearm injury on the chest of Dharmendra Kumar. Similarly, there is specific allegation against petitioner Sakaldeo Yadav (petitioner No. 1 of Cr. Misc. 31862 of 2017) of causing firearm injury to Sunil Kumar whereas the allegation against Luknarayan Yadav, (petitioner No. 2 of Cr. Misc. No. 31862 of 2017) is of causing injury to the informant on temporal area (*Kanpatti*) with *lathi*.

Case diary has been received in which the initial injury report of the injured Sunil Kumar and Dharmendra Kumar are mentioned in paragraphs 57 and 58 of the case diary wherein the doctor has found the injuries on the chest and opined the injuries caused by hard and blunt substance but opinion has been kept reserved.

Learned counsel for the informant has appeared and pointed out paragraph-11 of the case diary wherein the police has mentioned that he took statement of both the injured i.e. Sunil Kumar and Dharmendra Kumar in PMCH. The statement of injured Dharmendar Kumar and Sunil Kumar are available in paragraphs 12 and 14 of the case diary wherein it is mentioned that both of them have sustained injuries by Premchand Yadav and Sakaldeo Yadav respectively. The injury report from the PMCH has not been received in spite of several orders passed by this Court.

During hearing of the bail petition, the learned counsel for the informant has produced the injury report of PMCH from which it



appears that Sunil Kumar and Dharmendra Kumar have sustained firearm injuries on their chest. Both the witnesses in their statement before the police as mentioned in paragraphs 12 and 14 of the case diary which has been recorded in PMCH have stated about sustaining firearm injuries on their chest by Premchand Yadav (petitioner of Cr. Misc. 48848 of 2017) and Sakaldeo Yadav (petitioner No. 1 of Cr. Misc. 31862 of 2017).

Therefore, this Court is not inclined to grant anticipatory bail to the petitioner Premchand Yadav (Cr. Misc. 48848 of 2017) and petitioner No. 1 namely Sakaldeo Yadav (Cr. Misc. 31862 of 2017).

The prayer for anticipatory bail of the petitioner Premchand Yadav (Cr. Misc. 48848 of 2017) and petitioner No. 1 namely Sakaldeo Yadav (Cr. Misc. 31862 of 2017) stands rejected.

So far as petitioner No. 2 namely Luknarayan Yadav is concerned, there is allegation against him of causing injury on the *Kanpatti* of the informant with lathi, but there is no injury sustained by the informant. Therefore, prayer for anticipatory bail of the petitioner No. 2 of Cr. Misc. No. 31862 of 2017 is allowed. In the event of surrender/arrest of the petitioner No. 2 of Cr. Misc. No. 31862 of 2017, named above, within six weeks from today, in connection with **Masaurhi P.S. Case No. 78 of 2017**, he shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Ranjay Kumar, **learned Judicial Magistrate, 1<sup>st</sup> Class**,



**Masaurhi**, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioner shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioner and (3) if petitioners tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

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(Sanjay Priya, J)

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