

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50213 of 2018

Arising Out of PS. Case No.-138 Year-2017 Thana- SAUR BAZAR District- Saharsa

Mukesh Yadav @ Mukesh Kumar, S/o Rajendra Yadav, R/o Vill.- Gaurab
Garh Kap, West , P.S.- Sourbazar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate.

For the Opposite Party/s : Mr. Sri Vinod Shankar Modi, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-09-2018 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends his arrest in connection with
Sourbazar P.S. Case No. 138 of 2017 registered under Sections 147,
148, 149, 341, 323, 324, 307, 385, 427, 504 and 506 of the Indian
Penal Code and Section 27 of the Arms Act.

The accusation is that 12 persons named in the F.I.R.
including the petitioner having lathi, bhala, arrow and country made
pistol came near the field of informant and demanded ransom of
Rs.50,000/- in lieu of cutting the crops. When his younger brother,
Ajay Yadav, made protest then co-accused, Ranjan Yadav, gave arrow
blow in the stomach of Ajay Yadav. Thereafter, Gajendra Yadav
damaged the wheat crop. When informant and others rushed to save
Ajay Yadav then co-accused, Savin Yadav @ Sarvan Yadav gave



lathi blow and co-accused, Rakesh Kumar, gave iron rod blow to Sambhu Yadav. In the meantime, petitioner opened fire through country made pistol at the informant but the same did not hit anyone.

Learned counsel for the petitioner submits that while the allegation has been made against the petitioner to open fire but the same did not hit to anyone and petitioner has no criminal antecedent. It is further submitted that co-accused, Savin Yadav @ Sarvan Yadav has already been granted privilege of pre-arrest bail by a Bench of this Court vide order dated 12.12.2017 passed in Criminal Misc. No. 47025 of 2017.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six 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 Chief Judicial Magistrate, Saharsa, in connection with Sourbazar P.S. Case No. 138 of 2017, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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