

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15401 of 2018

Arising Out of PS. Case No.-195 Year-2016 Thana- PHULPARAS District- Madhubani

Santosh Kumar Yadav @ Santosh Yadav, Son of Lakhani Yadav, Resident of Village- Danda Tol, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit

For the Opposite Party/s : Mr. Sri Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 05-04-2018 Heard the learned counsels for the petitioner and the State.

The petitioner seeks bail in anticipation of his arrest in connection with Phulparas P.S. Case No. 195 of 2016 dated 28.06.2016 instituted for the offences under Sections 147, 148, 149, 341, 323, 324, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

From the perusal of the FIR, it appears that though the petitioner has been named as a member of the mob and has been attributed with a lethal weapon but he is not said to have fired from his weapon.

The case of the prosecution is that one Sukh Sagar Yadav, with whom the informant had litigation with respect to land, fired from his weapon which hit the deceased in his head. Thereafter, it has been specifically



alleged that Lochan Yadav, Pramod Yadav, Hari Yadav and Chandan Yadav fired from their weapons, aiming at Om Prakash Yadav (the deceased). Thus, it becomes very clear that though the petitioner was member of the mob but he is not attributed with any overt act.

Learned counsel appearing for the petitioner has submitted that under similar circumstances, one of the accused persons viz. Bhoril Yadav, who too has been attributed with a weapon in hand and there is no allegation of firing on him, has been granted the privilege of anticipatory bail by a Bench of this Court in Cr. Misc. No. 57515 of 2017 by order dated 08.12.2017.

Regard being had to the aforesaid facts and that the petitioner does not have any criminal antecedent, this Court is inclined to grant anticipatory bail to him.

The petitioner above named is directed to be released, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate II, Jhanjharpur, Madhubani in connection with



Phulparas P.S. Case No. 195 of 2016, subject to the
conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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