

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66385 of 2018

Arising Out of PS. Case No.-134 Year-2018 Thana- BIHRA District- Saharsa

Manjesh Yadav @ Manjesh Kumar, Son of Ramu Yadav @ Ramchandra Yadav, Resident of Village-Dumba, P.S. Bihara, Distt.-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pramod Mishra, Advocate.

For the Opposite Party : Mr. Amit Kumar Rakesh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 17-12-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 307/34 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 30.06.2018 the informant was sitting at the door of his neighbour Mukesh Yadav and at about 3.30 P.M. co-accused Sanjeev Yadav and Manjesh Yadav (petitioner) alongwith unknown persons came on a Hero Honda Motorcycle and called him upon which he went at his *Darwaja* where Manjesh Yadav (petitioner) by hurling abuses order to kill him and on getting such order, co-accused Sanjeev Yadav pointed pistol on him, which he tried to catch the pistol but co-accused Sanjeev Yadav opened firing



hitting on his palm due to which he bled and fell down on the ground. On hearing sound of firing, nearby people assembled and his family members brought him to hospital for medical treatment. The reason behind this occurrence is stated that 6 to 7 months before co-accused Manjesh Yadav took Rs. 1,50,000/- from him for doing business but after lapse of stipulated period he did not pay the sum and when it was demanded accused gave threatening of dire consequences.

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 counsel for the State, 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 C.J.M.
Saharsa, in connection with Bihara P.S. Case No. 134/2018,
subject to the conditions as laid down under Section 438(2) of
the Code of Criminal Procedure.

(Sudhir Singh, J)

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