

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39027 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- PAHARPUR District- East Champaran

1. Kishundeo Yadav, Son of Late Naresh Yadav,
2. Sonu Yadav, Son of Kishundeo Yadav,
3. Rupesh Yadav, Son of Sitam Yadav, All residents of Village-
Majhariya, P.S.- Malahi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma

For the Opposite Party/s : Mr. Kalyan Shankar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 03-08-2018 Heard learned counsel for the petitioners, learned APP
for the State and learned counsel for the informant.

Petitioners apprehend their arrest in Paharpur (Malahi)
P.S. case no. 68 of 2018 instituted for the offence under
Section(s) 147, 148, 149, 302 and 307 of the Indian Penal
Code and Section 25(1-B) A, 26, 27 and 35 of the Arms Act.

It has been submitted that petitioner no.3, namely,
Rupesh Yadav has already been arrested during pendency of the
application. Therefore, the application with regard to petitioner
no.3 is dismissed as withdrawn.

In the written report, it is alleged that Kishundeo Yadav
(petitioner no.1) is order giver. It is further alleged that



thereafter, co-accused, namely, Munna Yadav made firing from his illegal unlicensed rifle on Devendra Yadav which caused injury on his nose, on account of which, he fell down. Thereafter, Sonu Yadav (petitioner no.2) fired from his rifle causing injury on left hand of Asharfi Yadav. It is alleged against co-accused Bhupesh Yadav that he fired from rifle causing injury in ear of Mahesh Yadav. Thereafter, all the other accused persons made indiscriminate firing from their gun which hit Bhupendra Yadav, Tuntun Yadav and Nitesh Yadav and all persons become injured and fell down.

Learned counsel for the petitioners has submitted that there is no any fire arm injury on the person of Asharfi Yadav. He has further submitted that there is no any allegation of overt act against petitioner no.1, namely Kishundeo Yadav.

Learned counsel for the informant has appeared and submitted that Asharfi Yadav has sustained injury on his hand which was found to be grievous in nature.

In such circumstances, since there is specific allegation against petitioner no.2, namely, Sonu Yadav of causing injury on the hand of the injured Asharfi Yadav by rifle, this court is not inclined to grant anticipatory bail to petitioner no.2. Therefore, prayer for anticipatory bail of petitioner no.2, namely, Sonu



Yadav stands rejected.

So far petitioner no.1, namely, Kishundeo Yadav is concerned, there is no allegation of specific overt act against him, therefore, this court is inclined to grant him anticipatory bail.

In the facts and circumstances of the case, prayer of the petitioner No.1, namely, Kishundeo Yadav for grant of anticipatory bail is allowed. In the event of surrender/arrest of the petitioner No.1, named above, within six weeks from today in connection with Paharpur (Malahi) P.S. case no. 68 of 2018, petitioner no.1 shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned CJM Motihari, East Champaran, 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 petitioner 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.

(Sanjay Priya, J)

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