

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13231 of 2019

Arising Out of PS. Case No.-132 Year-2014 Thana- BELDOUR District- Khagaria

1. Narsing Narayan Yadav @ Narsingh Narayan Yadav @ Narsingh Yadav, Son of Late Basudeo Yadav
 2. Dharmendra Yadav, Son of Narsing Narayan Yadav @ Narsingh Narayan Yadav @ Narsingh Yadav
- Both are Resident of Village- Mali, P.S.- Beldaur, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Ranjan Kumar Jha, Adv.
For the Opposite Party/s :	Mr.Upendra Kumar, APP
For the Informant :	Mr.Shashi Shekhar Kumar Prasad, Adv.
	Mr. Om Prakash Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-03-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP representing the State.

Petitioners are seeking anticipatory bail in connection with Beldaur P.S. Case No. 132 of 2014 registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that as per the allegations made in the FIR the informant had seen the alleged occurrence in which her grandfather was murdered. The FIR contains the specific name of Dilip Panjiyar and Pramod Yadav who had fired one shot each which proved fatal and



killed her grandfather. So far as these petitioners are concerned, the allegation against them is that they were also member of the unlawful assembly and had gone at the place of occurrence when the aforesaid two accused fired. In the FIR, there is no allegation of firing against these petitioners upon the deceased.

Learned counsel further submits that the police investigated the matter and submitted a final form against some of the accused including the present petitioners as in the opinion of the police sufficient materials could not be procured to proceed against them. Some of the accused were charge-sheeted.

It is submitted that at this stage, learned Magistrate differed with the police report and took cognizance and decided to issue summons against the petitioners. Learned counsel submits that it is for this reason the petitioners have approached this Court for anticipatory bail at this stage. The petitioners are not the absconder.

Learned APP for the State and the informant have opposed the prayer for anticipatory bail as according to them the petitioners are accused who had member of the unlawful assembly and were present at the place of occurrence.

Having considered the rival submissions at the bar



and on perusal of the records, it appears to this Court that in view of the submissions of the petitioners that there is no allegation of firing against them on the deceased and those have been specifically attributed to co-accused as also that the police had not found any sufficient material to proceed against them and now that their names have come when the learned Magistrate decided to differ with the police report, let in case of arrest or surrender of the petitioners within a period of four weeks from today, the abovenamed petitioners be enlarged on bail on furnishing bail bond of Rs.15,000/- (rupees fifteen thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Khagaria in connection with Beldaur P.S. Case No. 132 of 2014 (G.R.No.1665/14), subject to the condition prescribed under Section 438(2) of the Cr.P.C.

(Rajeev Ranjan Prasad, J)

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