

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17118 of 2019

Arising Out of PS. Case No.-33 Year-2018 Thana- BIHARIGANJ District- Madhepura

1. Pradeep Yadav, Son of Shatrughan Yadav Resident of Village - Kushtan, P.s- Bihariganj, P.s. Distt.- Madhepura.
2. Ramchandra Yadav Son of Shatrughan Yadav Resident of Village - Kushtan P.S.- Bihariganj, P.S. Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s: Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 22-07-2019 Heard learned counsel for the petitioners and learned counsel appearing on behalf of the State.

Petitioners apprehend their arrest in connection with Bihariganj P.S. Case No.33 of 2018 for the offence punishable under Sections 341, 323, 348, 307, 120(B), 504 and 34 of the Indian Penal Code and Section 27 of Arms Act.

The allegation against the petitioners is that the petitioners along with 14 persons came at the door of the informant and assaulted the informant in the morning. It has further been alleged that at about 1.45 A.M. in the night, all the accused persons including the petitioners tried to enter into the house of the informant and did not succeed in the same



however, the father of the informant, who was sleeping at the door, was shot by Abhay Kumar Yadav on the order of Bhushan Yadav.

Learned counsel for the petitioners submits that petitioners are innocent and they have falsely been implicated in this case due to village politics. He further submits that from the First Information Report, it appears that no overt act has been alleged against the petitioners and the allegation of making fire is upon Abhaya Kumar Yadav on the order of Bhushan Yadav. Learned counsel for the petitioners further submits that similarly situated accused persons, namely, Shambhu Yadav and Prakash Yadav have been granted anticipatory bail by this Court in Cr. Misc. No.46817 of 2018 and Cr. Misc. No.68420 of 2018 vide order dated 13.08.2018 and 14.12.2018 respectively.

Learned counsel for the petitioners further submits that petitioner No.1 is accused in Biharganj P.S. Case No.33 of 2011 in which he has been enlarged on bail and so far as Bihariganj P.S. Case No.80 of 2003 and 140 of 1994 are concerned, both the petitioners have been acquitted.

After having heard learned counsel for the petitioners as well as learned counsel appearing on behalf of the State and taking into consideration the fact that there is no allegation



against the petitioners in the First Information Report regarding firing upon the deceased and no overt act has been alleged against him and further similarly situated accused persons have been granted bail by this Court, as such, I am inclined to grant anticipatory bail to all these petitioners.

Accordingly, all the petitioners, above named, are directed to surrender before the learned Court below within a period of four weeks and in the event of surrender by them, they shall be released on anticipatory bail by the Court below upon furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Shri Abhimanyu Kumar, Judicial Magistrate Ist Udakishunganj, District-Madhepura, subject to the condition as mentioned under Section 438 (2) of Cr.P.C.

(Anil Kumar Sinha, J)

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