

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16734 of 2019

Arising Out of PS. Case No.-159 Year-2018 Thana- KASIMBAZAR District- Munger

1. BABLU YADAV Son of Sukhdeo Yadav Resident of Mohalla- Mahaddipur, P.S.- Kasim Bazar, District - Munger.
2. Rajesh Yadav Son of Sukhdeo Yadav Resident of Mohalla- Mahaddipur, P.S.- Kasim Bazar, District - Munger.
3. Sajan Yadav Son of Late Baleshwar Yadav Resident of Mohalla- Mahaddipur, P.S.- Kasim Bazar, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Narayansingh
For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2019 Heard learned counsels for the petitioners and the State.

The petitioners are apprehending arrest in a case registered for the offences punishable under Sections 147, 447, 504, 506, 379, 323, 307 of the IPC and Sections 25 (1-a) and 27 of the Arms Act.

The prosecution case, as per the written report of Anita Devi submitted to the Station House Officer, Kasim Bazar Police Station, is to the effect that on 21.07.2018 at about 8.30 P.M., the informant was waiting for arrival of his son, in the meantime, co-accused Sunil Kumar along with 20-25 persons came at the house of the informant and told in abusive language



that despite of demand her son is not giving money to them and ordered to kill. In the meantime, all the FIR named accused persons, including the petitioners and 8-10 unknown started coming towards the house of the informant, but the informant locked the door of her house. Thereafter, accused persons after breaking the door of the house of the informant entered into the house. The petitioners also resorted to fire on the informant, but it did not hit her. It is further alleged that co-accused Raja Yadav snatched a gold chain from the neck of the informant, whereas co-accused Sudhir Yadav, Kailu Yadav and O.P. Yadav took away Rs.4200/- and dragged the informant with bad intention.

It is submitted by learned counsel for the petitioners that there is specific accusation that three persons fired on the informant, but no firearm injury has been caused to her. It is further submitted that the injury report reflects one lacerated injury of marginal size in the left parietal region and pain/swelling on the right hand. Hence, the injury report does not corroborate the accusation of informant being dragged by the accused persons since no dragging injury has been found on the body of the informant and there is a counter version of the occurrence being Kasimbazar P.S. Case No. 158 of 2018 lodged by Sudhir Prasad Yadav, the brother of petitioner No. 1 on



21.07.2018 at 10.10 A.M. against the informant and thereafter the present case has been lodged maliciously. It is further submitted that co-accused Sudhir Yadav, Kailu Yadav, Opi Yadav and Raju Yadav have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.02.2019, passed in Criminal Miscellaneous No. 77607 of 2018, though petitioner nos. 1 and 3 are accused in one other case, but in this case, they are on bail, while petitioner no.2 is not having any criminal antecedent.

Learned APP submits that there is specific accusation against the petitioners in the FIR.

Considering the fact that the accusation of firing has been levelled against all the three petitioners, but no firearm injury has been caused to the informant and co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 04.02.2019, passed in Criminal Miscellaneous No. 77607 of 2018 coupled with the fact that the accusation is not being corroborated by the medical opinion, let the above named petitioners be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of



like amount each to the satisfaction of learned C.J.M., Munger
in connection with Kasim Bazar P.S. Case No. 159 of 2018,
subject to the condition as laid down under Section 438(2) of
the Cr. P.C.

(Dinesh Kumar Singh, J)

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