

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32934 of 2019

Arising Out of PS. Case No.-20 Year-2019 Thana- HASANPUR District- Samastipur

RAM DAYAL YADAV @ NANGIDRI Son of Ram Sudhari Yadav @ Khato
Resident of Village-Sabhaipura, P.S.-Hasanpur, District-Samastipur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 20-05-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Hasanpur P.S. Case No.20 of 2019 registered under Sections 307 and 386/34 of the Indian Penal Code besides Section 27 of the Arms Act, pending in the court of the Additional Chief Judicial Magistrate-III, Rosera, District-Samastipur.

The accusation is that on 30.01.2019 at about 03.00 P.M., Shrawan Kumar Yadav, the brother of the informant Arun Kumar Yadav, proceeded for Hasanpur Market from his house. When he reached near Bihar Gramin Bank at about 05.00-05.30 P.M., some persons opened firing at him in which he sustained



firearm injury on his back. Anyhow, Shrawan Kumar, the brother of the informant, went to Hasanpur Hospital in injured condition. When the informant received information regarding the said incident, then he along with others went at Hasanpur Hospital, from where, after giving first aid, the doctor referred the brother of the informant for better treatment . Thereafter, the informant got admitted his brother at the clinic of Dr. Ashok Sharma at Begusarai. On the next day, when the condition of the brother of the informant improved, then the brother of the informant disclosed that this petitioner along with other F.I.R. named accused and 03-04 unknown had assembled near Bihar Gramin Bank and, in that course, this petitioner shot fire at him, due to which he sustained injury at his back.

Learned counsel for the petitioner submits that it would appear from the F.I.R. that the firing was made by three persons, named in the F.I.R. including the petitioner and 03-04 unknown but only one firearm injury was found on the back of the brother of the informant. No specific overt act is attributed to the petitioner to shot fire at the brother of the informant.

Having considered the facts and the circumstances of the case and the nature of allegation, I am not inclined to extend the privilege of pre-arrest bail to the petitioner. Accordingly, the



prayer of the petitioner for grant of privilege of pre-arrest bail stands rejected. However, the petitioner is directed to surrender before the trial court and pray for regular bail, which shall be considered by the trial court in accordance with law without being prejudiced by the order of this Court.

(Rajendra Kumar Mishra, J)

P.S./-

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