

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46900 of 2019

Arising Out of PS. Case No.-165 Year-2018 Thana- ATHMALGOLA District- Patna

Upendra Yadav, Son of Haricharan Yadav, Resident of Village-Chanda, Police Station-Athmalgola, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun, APP

For the Opposite Party/s : Mr.Umesh Lal Verma, APP

CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 29-07-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in connection with Athmalgola P.S. Case No.165 of 2018 for allegedly having committed the offence under Sections 147, 148, 149, 448, 323, 307, 504 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that two cases were filed simultaneously with regard to the same occurrence in which there is report of indiscriminate firing from both sides. It is further submitted that in the case filed by the informant against the present petitioner, there is talk of two persons, being injured, namely, a child Pintoo Kumar and the wife of one Om Prakash Singh, namely, Rinku Devi. The



present case i.e. Athmalgola P.S. Case No.165 of 2018 has been filed by the informant whereas Athmalgola P.S. Case No.164 of 2018 has been filed by the Chaukidar of the village. In the present case, the petitioner has been named whereas in the earlier case filed by the Chaukidar, the petitioner's name does not find mentioned.

So far as the allegation against the present petitioner in connection with Athmalgola P.S. Case No.165 of 2018 is concerned, the allegation is of general and omnibus in nature of having made indiscriminate firing, but the injury has been attributed to other two persons, namely, Naresh Yadav and Bipin Yadav and not the present petitioner. The name of the petitioner has been brought subsequently in the context of indiscriminate firing and not otherwise. Learned counsel for the petitioner submits that only because he was not granted bail in connection with the earlier case filed by the Chaukidar, the case of the present petitioner has been distinguished and he has been left out in the impugned order, though the allegations are of similar nature and the petitioner is also similarly placed. He thus prays that the present petitioner may also be extended the privilege of anticipatory bail as he has got no criminal antecedents.



In view of the aforementioned facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on 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 Sub-divisional Judicial Magistrate, Barh, Patna, in connection with Athmalgola P.S. Case No.165 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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