

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45929 of 2019

Arising Out of PS. Case No.-24 Year-2019 Thana- PIPRIYA District- Lakhisarai

1. BITTU KUMAR YADAV @ BITTU KUMAR @ BITU KUMAR Son of Jogeshwar Yadav Resident of Village- Pipariya, P.S.- Pipariya, District- Lakhisarai.
2. Guddu Yadav @ Guddu Kumar Son of Jogeshwar Yadav Resident of Village- Pipariya, P.S.- Pipariya, District- Lakhisarai.
3. Bijay Yadav Son of Ramji Yadav Resident of Village- Pipariya, P.S.- Pipariya, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan

For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 25-07-2019 Heard learned Counsel for the petitioners and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Pipariya Police Station Case No. 24 of 2019, disclosing offences under Sections 279/337/338/504/506/34 of the Indian Penal Code and Sections 25(1-B)A, 26, 35 and 37 (b) of the Arms Act.

The allegation, as per the First Information Report, is that the petitioner no. 1 dashed the daughter of the informant while he was driving motorcycle and when the villagers insisted for her medical treatment, the petitioner no. 1 started abusing



them and after sometimes, petitioners came along with other co-accused persons, including Lalmuni Bhagat and threatened the informant and villagers to kill them. The villagers recovered one pistol and live cartridges and one Discover motorcycle and handed them to the police.

Learned Counsel for the petitioners submits that on perusal of the First Information Report, it is evident that no specific allegation is levelled against the petitioners and the allegation is only against Lalmuni Bhagat, who was allegedly holding pistol in his hand. He further submits that live cartridges and pistol along with the motorcycle were produced by the villagers before the police and the police has not seized said articles from the place of occurrence. He further submits that the petitioners have no criminal antecedent.

After having heard learned Counsel for the parties and taking into consideration the fact that there is no specific allegation against the petitioners and no fire-arm was recovered by the police from their possession, I am inclined to grant the petitioners privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioners, above named, in the event of their arrest or surrender before the Court below within four weeks, be



released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Pipariya Police Station Case No. 24 of 2019, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

This is subject to the condition that the petitioners shall present themselves before the police/Court, as the case may be, as and when required and in the event of failure on their part to appear before the Court on two consecutive occasions, their bail bonds shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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