

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50158 of 2019**

Arising Out of PS. Case No.-133 Year-2019 Thana- SAHARSA District- Saharsa

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AMIT YADAV @ AMIT KUMAR Son of - Ayodhi Yadav Resident of  
Village- Sharma Chouk Kahra Ward No. 24, P.S.- Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Chandra Mohan Jha

For the Opposite Party/s : Mr.Binod Kumar

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      13-08-2019                      Heard learned Counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises  
out of Saharsa Sadar Police Station Case No. 133 of 2019,  
disclosing offences under Sections 341/323/307/34 of the Indian  
Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First  
Information Report lodged by Guriya Devi, is that the petitioner  
along with other have an eagle-eye on her property and on the  
alleged date of occurrence, the petitioner and other made  
indiscriminate firing near the kirana shop and adjacent house of  
the informant. It has further been alleged that the police  
recovered used cartridge from the place of occurrence.

Learned Counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the main allegation is levelled against co-accused Banka Yadav and from perusal of the First Information Report, it is evident that the allegation is of indiscriminate firing, but the police recovered only one used cartridge from near the house of Nirmal Bhagat. He further submits that nobody has sustained injury in the alleged firing.

After having heard learned Counsel for the parties and taking into consideration the fact that no specific allegation is there against the petitioner and only one used cartridge has been recovered; whereas the allegation is of indiscriminate firing by three persons, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, Amit Yadav @ Amit Kumar, in the event of his arrest or surrender before the Court below within four weeks, 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 learned Chief Judicial Magistrate, Saharsa, in connection with Saharsa Sadar Police Station Case No. 133 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 petitioner shall



present himself before the police/Court, as the case may be, as  
and when required and in the event of failure on his part to  
appear before the Court on two consecutive occasions, his bail  
bond shall be liable to be cancelled.

Prabhakar Anand/-

**(Anil Kumar Sinha, J.)**

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