

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52808 of 2019

Arising Out of PS. Case No.-94 Year-2019 Thana- MAHISHI District- Saharsa

-
1. Pankaj Yadav, S/o Yugeshwar Yadav R/o village- Sukhasani, P.S.- Bakhtiyarpur, Distt.- Saharsa
 2. Subhash Yadav S/o Bido Yadav R/o village- Sukhasani, P.S.- Bakhtiyarpur, Distt.- Saharsa
 3. Chandan Kumar @ Chandan Yadav S/o Mithlesh Yadav R/o village- Birbar, P.S.- Mahishi, Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 26-08-2019 Heard learned counsel for the petitioners, learned counsel appearing on behalf informant and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Mahishi P.S. Case no. 94 of 2019, registered under Sections 147, 148, 149, 341, 342, 307 and 504 of the Indian Penal Code and Section 27 of the Arms Act.

The accusation is that nine persons named in the F.I.R., including the petitioners, having firearm and lathi in their hands surrounded the informant Sakaldeo Yadav. On the order of co-accused Paro Yadav, Pankaj Yadav (Petitioner



No.1), Mithilesh Yadav fired upon the informant, but he saved himself by fleeing from there. Thereafter, Sanjay Yadav, Subhash Yadav (petitioner No.2) and Vikash Yadav surrounded him then petitioner No.1, again, fired upon the informant at his left forearm.

Learned counsel for the petitioners submits that, in fact, earlier co-accused Pradeep Yadav filed Mahishi P.S. Case No. 112 of 2018 against the informant and others due to that reasons, the petitioners have falsely been implicated in this case.

On the other hand, learned counsel appearing on behalf of informant opposed the prayer for bail and submits that there is specific allegation against petitioner No. 2 Subhash Yadav that he along with Sanjay Yadav and Vikash Yadav surrounded the informant and petitioner No. 1 Pankaj Yadav caused firearm injury at the informant.

Having regard to the facts and circumstances of the case, the petitioner 3, namely, Chandan Kumar @ Chandan Yadav is directed to be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the



satisfaction of the S.D.J.M. Saharsa in connection with Mahishi P.S. Case No. 94 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

So far as bail prayer of petitioner No.1 Pankaj Yadav and petitioner No.2 Subhash Yadav are concerned, considering the facts and circumstances of the case and the nature of allegation against them, I am not inclined to grant anticipatory bail to the petitioner Nos. 1 and 2. Accordingly, their prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

manish/-

U		T	
---	--	---	--

