

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57605 of 2019

Arising Out of PS. Case No.-67 Year-2018 Thana- ARA RAIL P.S. District- Bhojpur

NEERAJ YADAV Son of Rajendra Yadav Resident of Village - Banahi, P.S.-
Shahpur, Distt - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Jitendra Kumar Singh

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

ORAL ORDER

2 13-09-2019 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Arrah Rail P.S. Case No.67 of 2018 registered under
Sections 147, 148, 149, 307 and 506 of the Indian Penal Code
besides Sections 27/25(1-b)a and 26 of the Arms Act.

The accusation is that in the morning of 18.08.2018,
the informant Monu Yadav along with his uncle Krishna Kumar
Yadav reached at Banahi Railway Station to pickup the train for
going to Arrah. At that time, five persons, named in the F.I.R.,
including the petitioner, borne on two motorcycles, came there
and, thereafter, Tunu Yadav and Radha Mohan Yadav caught
hold of his hand and started to drag him. In the meantime,



Kamlesh Yadav took pistol from his waist and with an intention to kill the informant shot fire at him but the same was missed, then Rakesh Kumar alias Bullet Yadav and this petitioner took pistol from their waist and shot fire from close range at the informant. The firing of Rakesh Kumar alias Bullet Yadav hit the back of the informant, whereas the firing of this petitioner hit his right hand and the informant fell on the ground. When the uncle of the informant rushed to save the informant, then Tunu Yadav and Radha Mohan Yadav caused blood oozing injury on his head through knife.

Learned counsel for the petitioner submits that while there is allegation against the petitioner in the F.I.R. that he shot fire at the informant through his pistol which hit at his right hand, whereas there is allegation against Rakesh Kumar alias Bullet Yadav that he shot fire at the informant from his pistol, which hit at his back but only one lacerated wound of inverted margin over the upper part of his chest was found, which is attributed to Rakesh Kumar alias Bullet Yadav. In fact, due to enmity, the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent.

Having considered the facts and the circumstances of the case, let the petitioner, above named, in the event of his



arrest or surrender by him within six weeks from today, be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Railway at Arrah, Bhojpur, in connection with Ara Rail P.S. Case No.67 of 2018, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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