

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM COURT'S CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.14372 of 2020**

Arising Out of PS. Case No.-189 Year-2019 Thana- BIHIA District- Bhojpur

RAJU YADAV @ RAJU KUMAR YADAV Son of Sri Bhagwan Yadav
Resident of Village - Umaraoganj, P.S.- Bihiya (Bahoranpur), Distt.- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sheo Jee Mishra, Advocate

For the Opposite Party/s : Mr.Binod Kumar no.3, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

7 14-10-2020 Heard learned counsel for the petitioner and Mr.
Binod Kumar No. 3, learned A.P.P. for the State.

Petitioner, in the present case, is seeking pre-arrest bail in connection with Bihiyan (Bahoranpur) P.S. Case No. 189/2019 registered for the offence under Sections 147, 148, 149, 323, 324, 325, 326, 307 and 302 of the Indian Penal Code and 27 of the Arms Act, pending in the court of learned Additional Chief Judicial Magistrate – 12, Bhojpur, Ara.

Learned counsel for the petitioner submits that though the petitioner is named one amongst the nine accused persons in the First Information Report but there is no specific allegation of assault against him. Learned counsel has read out the First Information Report and it is his submission that the assailants have been specifically named as Munna Yadav @ Kariman



Yadav who allegedly fired on the deceased killing him. The other persons who had fired from their pistol are also named in the First Information Report. Learned counsel submits that the subsequent attack on the family members namely Dharmendra Yadav, Pintu Yadav and even Raju Kumar Yadav of the deceased are also not specifically attributed to this petitioner. Though it is alleged that all the above accused persons had assaulted them. Learned counsel submits that all the above accused persons would mean only those who had fired earlier therefore this petitioner deserves privilege of anticipatory bail.

On the other hand, Mr. Binod Kumar No. 3, learned A.P.P. for the State submits that this Court had called for the case diary. The case diary has been received and the injury reports of all the injured are showing that at least three of them had suffered fire-arm injuries whereas two had suffered injuries by hard and blunt substance. Learned A.P.P. submits that though the injuries suffered by hard and blunt substance are simple in nature and in a suitable case that could have been a matter of consideration but here the totality of the allegations suggest that a very heinous crime has been committed by some of the members of the mob causing death of one person and then causing fire-arm injuries on some of them. This petitioner has



allegedly participated in the occurrence along with all others and there are allegations that he had also been there in causing assault subsequently and in such circumstances even the presence of the petitioner in the mob committing this kind of crime has to be taken seriously.

Having regard to the facts and circumstances of the case and the materials on the record, the kind of injuries suffered by five persons and then the sixth had died and the petitioner is said to be one in the mob who had participated in the alleged occurrence, this being an application for anticipatory bail, the Court is not inclined to exercise its discretion to grant anticipatory bail to the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders and prays for regular bail within a period of four weeks from today his prayer for regular bail shall be considered on its own merit without being prejudiced by this order of this Court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

