

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6683 of 2020

Arising Out of PS. Case No.-64 Year-2018 Thana- NAUGACHIA District- Bhagalpur

RAM SARAN YADAV S/o Police Yadav R/o village- Bhawanipur, P.S.-
Raugra (Gopalpur), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikram Singh

For the Opposite Party/s : Mr.Dinesh Singh

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

2 02-07-2020 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 147, 148, 149, 504, 506, 427, 307 of the Indian Penal Code and 27 of the Arms Act.

Informant has alleged that on 25.03.2018 at about 2:00 p.m, while he along with his family members were offering Dhawja of Mahabir Jee at Mahanth Baba, the accused persons armed with gun and other weapons arrived there and due to old enmity, they started abusing the informant and others. On protest being made, the accused persons became aggressive and co-accused Devraj @ Dhanna Yadav opened firing as a result of which, his cousin brother Neel Kamal @ Anku sustained



firearm injury on his left side of chest. Thereafter, informant and his family members in order to save their lives started fleeing and entered into the house, but the FIR named accused persons including the petitioner surrounded his house and started indiscriminate firing. At that time, the police arrived and the accused persons fled away and the injured Neel Kamal @ Anku was brought to the hospital.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that there is general and omnibus allegation against the petitioner and specific allegation of firing upon cousin brother of the informant is against co-accused, Devraj @ Dhanna Yadav. There is case and counter case between the parties. It is lastly submitted that similarly placed most of the co-accused persons have already been granted anticipatory bail by the court below itself.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the



case is pending in connection with Naugachia P.S. Case No. 64/2018, subject to the condition as laid down under Section 438(2) of the Cr.P.C with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be present on each and every date fixed by the court and his absence on two consecutive dates without proper and reasonable reason will be sufficient to cancel his bail bond.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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