

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.6038 of 2020**

Arising Out of PS. Case No.-276 Year-2019 Thana- NAYA RAM NAGAR District- Munger

DHANANJAY YADAV @ DHANNAJAY YADAV Son of Khajo Yadav
Resident of village - Kanchangadh (Kanchangard) Harpur Bank, P.S. -
Mufassil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mahendra Thakur, Adv. Mr. Bhim Kumar Yadav, Adv.
For the Opposite Party/s	:	Ms. Renuka Ratnakar, APP
For the Informant	:	Mr. Jyoti Ranjan Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 13-07-2020 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner in the present case is seeking anticipatory bail in connection with Nayaram Nagar P.S. Case No.276/2019 registered for the offence punishable under Sections 302, 307, 324, 386/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that on perusal of the first informant report it would appear that altogether six persons are named in the first information report who allegedly came at the place of occurrence. Other 5-6 unknown persons were also with them. Informant specifically



alleged that co-accused Aman Kmar who was lashed with pistol fired and the same proved fatal causing death of the son of the informant.

At this stage there is no allegation at all against any other co-accused persons. In the second part of the first information report it is alleged that all the accused persons assaulted seven others causing injury upon their body.

Learned counsel submits that is is a case of over implication with the aid of Section 34 of the Indian Penal Code. There is no specific allegation against the petitioner, even the injured persons have not stated that he was attacked by this petitioner which caused injury on his person. The allegations are general and omnibus in nature and have been purposely made in order to implicate falsely. The petitioner has got no criminal antecedent.

Learned APP for the State while opposing the prayer for anticipatory bail on query made by this Court informed that in the case diary although there are general allegations against all the accused persons of causing assault but there is no specific allegation against this petitioner of causing any injury to any particular person and further that co-accused in the case has been granted bail.



Learned counsel for the informant has also opposed the prayer for anticipatory bail of the petitioner and has submitted that since others have been granted regular bail, this Court need not consider the prayer for anticipatory bail application.

Having regard to the facts and circumstances of the case wherein this Court finds that in the first part of the first information report there is specific allegation against co-accused Aman Kumar who had allegedly fired from his pistol killing the son of the informant, there is no allegation of commission of any overt act by this petitioner and in later part of the first information report there are general and omnibus kind of allegation of causing assault on other persons, in course of investigation nothing has come about suggesting overt act against this petitioner, this petitioner has no criminal antecedent and at this stage co-accused similarly situated have already been released on bail, there is no reason as to why the petitioner cannot be ordered to be released on bail in case of his arrest or surrender, let the petitioner above named in the event of his arrest or surrender within a period of four weeks from today in connection with Nayaram Nagar P.S. Case no.276/2019 be released on bail on furnishing of bail bonds of Rs. 25,000/-



(twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-1st, Munger, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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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'.

