

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10568 of 2020

Arising Out of PS. Case No.-954 Year-2018 Thana- SAHARSA District- Saharsa

SURENDRA YADAV Son of Late Musharu Yadav Resident of Village-Kahra,
P.S-Sour Bazar, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 23-09-2020 Heard Mr. Pramod Mishra, learned counsel for the

petitioner and Mr. Nawal Kishore Prasad, Additional Public

Prosecutor for the state through video conferencing.

2. Learned counsel for the petitioner is permitted to
make corrections in the address of the petitioner at the cause
title of the case.

3. Petitioner apprehends arrest in connection with
Saharsa PS Case No. 954/2018 registered for the offence
punishable under Section 341, 323, 308, 379, 504, 506, 34 of
the IPC and 27 of the Arms Act.

4. The allegation against the petitioner as per First
Information Report is that the petitioner along with other
accused persons four in number arrived at the house of
informant and assaulted him with butt of the pistol and one



another accused persons, namely, Nitish Kumar fired upon him which did not hit the informant.

5. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case due to village politics. Learned counsel further submits that both the parties are co-villagers and there is no specific allegation against the petitioner. The specific allegation of firing upon the informant is against one Nitish Kumar whose bullet did not hit anybody. Learned counsel further submits that there is case and counter case between the parties inasmuch as side of the petitioner has lodged Saharsa Sadar PS Case No. 1004/2018 against the informant and other accused persons.

6. Learned counsel submits that during course of investigation, it has come to light that injuries caused to the informant have been found simple in nature.

7. On the other hand, learned counsel for the State, referring to the case diary, submits that there is contradiction in the re-statement of the informant which does not correspond the statement made in the first information report. Learned counsel for the State further submits that the injuries caused to the informant are mentioned in para-66 of the case diary and it appears that both the injuries are simple in nature.



8. Having regard to the submissions made by the parties and taking into consideration the material on record and the fact that the injuries caused to the informant have been found to be simple in nature and there is case and counter case between the parties, I am inclined to grant anticipatory bail to the petitioner.

9. Accordingly, let the petitioner, SURENDRA YADAV be released on bail, in the event of arrest/surrender within six weeks, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Saharsa PS Case No. 954/2018, subject to the condition as laid down under Section 438(2) CrPC.

10. It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding lockdown and social distancing.

(Anil Kumar Sinha, J)

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