

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12755 of 2020

Arising Out of PS. Case No.-148 Year-2017 Thana- BARHARA KOTHI District- Purnia

Naresh Yadav, Son of Basudev Yadav, Resident of Village - Mouzampatti,
P.S.- Barhara (Raghubansh Nagar), District - Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Yadav, Advocate.

For the Opposite Party/s : Md. Ataur Rahman, APP

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

ORAL ORDER

3 17-07-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State through Video Conferencing.

The petitioner apprehends his arrest in connection
with Barhara P.S. Case No. 148 of 2017, registered under
Sections 147, 148, 149, 341, 323, 307 and 363 of the Indian
Penal Code and Section 27 of the Arms Act.

The accusation is that the tent of the informant,
Niranjan Kumar @ Nirala, was hired by Kundan Kumar Yadav
of village Mozapatti on the occasion of last ceremony. On
28.06.2017, in the early night, his son, Aujashwi Kumar was
watching the tent and other accessories. At that time, six persons
named in the FIR including the petitioner and their three
bodyguards having pistol in their hand pulled his son and



pointed the pistol at his temporal region and started to make indiscriminate firing. At that time, they assaulted his son through the butt of three-nut, pistol and rifle. When the informant and other co-villagers tried to save his son then all started to make firing again.

Learned counsel for the petitioner submits that, in fact, petitioner had gone to attend the Sradh function at the house of co-accused, Kundan Kumar Yadav in village -Mojapatti, where scuffle took place but petitioner, who was also present there, has falsely been implicated in this case without any overt act. Further submission is that regarding the same occurrence, Barhara P.S. Case No. 147 of 2017 is also instituted against five persons and some unknown including the family members of the informant of the present case. Further submission is that petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea, in connection with Barhara (Raghubns



Nagar) P.S. Case No. 148 of 2017, subject to the condition as
laid down under Section 438(2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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