

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14511 of 2020

Arising Out of PS. Case No.-656 Year-2019 Thana- MADHEPURA District- Madhepura

PRALAY KUMAR YADAV S/o Shyam Kishore Yadav R/o Mohalla- Adarsh
Nagar, Ward No. 10, P.S. and District- Madhepura

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinesh Prasad Verma, Adv.

For the Opposite Party/s : Mr.Anand Mohan Prasad Mehta, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 09-09-2020 Heard the learned counsel for the petitioner and sri Anand Mohan Prasad Mehta, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Madhepura P.S. Case No. 656 of 2019 registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that in the night of 28.7.2019 at about 11:00 PM., the accused persons including the petitioner herein had demanded a pot for drinking wine from the



nephew of the informant, namely, Sonu Kumar and upon refusal, he was beaten by them, whereafter the informant had made a complaint before the father of the petitioner herein, on account of which the petitioner and other accused persons had come to the house of the informant on 30.7.2019 at about 11:30 PM. in the night and had fired from their pistol, however, the informant and others had escaped being shot upon by the bullets, whereafter the petitioner is stated to have snatched a gold chain and other articles and then, the accused persons including the petitioner had fled away when the co-villagers had gathered there.

The learned counsel for the petitioner has submitted that the petitioner is innocent, a false story has been cooked up and he is having a clean antecedent. It is further submitted that the fact is that the police had investigated the case and had found the allegations levelled in the FIR to be not true as against the petitioner herein and had submitted final form vide charge-sheet No. 288/2019 dated 27.09.2019, however



subsequently, the learned Chief Judicial Magistrate vide order dated 18.11.2019 had differed with the police report and found a prima facie case against the petitioner under the offences alleged and had taken cognizance under various sections of the Indian Penal Code and the Arms Act. It is submitted that no incriminating article has been made from the house of the petitioner and he is being unnecessarily harassed.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the fact that prima facie, the police, upon investigation, had found the case to be untrue as against the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a



period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Madhepura in connection with Madhepura P.S.Case No. 656 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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