

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.14552 of 2020**

Arising Out of PS. Case No.-169 Year-2019 Thana- MUNGER MUFFASIL District- Munger

1. GAURAV KUMAR S/o Sri Sunil Kumar Yadav Resident of Village- Sandalpur, Mangra Pokhar, P.S.- Muffasil, Distt- Munger.
2. Saurabh Kumar @ Saurav Kumar S/o Sri Sunil Kumar Yadav Resident of Village- Sandalpur, Mangra Pokhar, P.S.- Muffasil, Distt- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Suman Kumar Mishra  
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava  
Mr. Ashok Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      02-07-2020                      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioners and  
Mr. Ashok Kumar, the learned APP for the State.

The petitioners apprehend their arrest in connection with Muffasil P.S. Case No. 169 of 2019 for the offence punishable under Sections 341, 323, 307, 147, 148, 149 of the Indian Penal Code and Section 27 Arms Act.

The allegation is that the petitioners and another accused person were catching fishes on the alleged date and



time of occurrence when the informant was washing his buffalo. It is further alleged by the informant that when he had forbidden the accused persons from catching the fishes, they started abusing him and upon direction of the co-accused namely Anil Yadav, the co-accused person namely Deepak Yadav fired from his pistol, which hit the left thigh of the informant, however, on hearing the sound of the firing, people of the vicinity came and then the accused persons fled away.

The learned counsel for the petitioners has submitted that the petitioners are innocent, have been falsely implicated in the present case and are having a clean antecedent. It is further submitted that there is no allegation of firing or engaging in any sort of overt act as far as the petitioners are concerned, hence the petitioners are liable to be admitted to the privilege of anticipatory bail.

The learned A.P.P. appearing for the State has vehemently opposed the prayer for anticipatory 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 there is no allegation of any sort of specific overt act as against the petitioner herein, I deem it fit and proper to admit the petitioners



to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioners, above named, are directed to be released on anticipatory bail on furnishing bail- bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned C.J.M., Munger, in connection with Muffasil P.S. Case No. 169 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

**(Mohit Kumar Shah, J)**

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