

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20039 of 2020

Arising Out of PS. Case No.-323 Year-2019 Thana- BASOPATTI District- Madhubani

1. BILTOO DAS Son of Late Ashrafi Das
2. Shyam Sah Son of Late Radhe Sah
Both resident of Village - Kamalapati Patte, P.S.- Harlakhi, District-
Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 02-07-2020 Heard both sides through Video Conferencing.

The petitioners seek bail in Basopatti P.S. Case No.323 of 2019 registered under Sections 302, 506 and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

The informant, Suryanarayan Yadav, altogether mentioned the names of nine persons and 4-5 unknown and alleged that Devnarayan Yadav came and fired at his son(Pawan Yadav) which hit on his armpit, Sudhir Yadav fired which hit on the head of his son and Ghanshyam Yadav also made indiscriminate firing. It is further alleged that all the accused persons fled away flashing firearm in the air.

The learned counsel for the petitioners submits that of course the petitioners are named in the F.I.R. but the allegation of firing is made against Devnarayan Yadav, Sudhir Yadav and Ghanshyam Yadav. No specific allegation of firing is made against the petitioners. Petitioner No.2 has got no criminal



antecedent. Petitioner No.1 is accused in one case being Harlakhi P.S. Case No.182 of 2016 registered under Sections 306 and 34 of the Indian Penal Code. Petitioners are in custody since 23.12.2019.

Learned A.P.P. opposed the prayer for bail.

Perused the F.I.R. It appears from perusal of the F.I.R. as well as the photocopy of the order passed by the learned Sessions Judge, Madhubani that the allegation of firing is against Devnarayan Yadav, Sudhir Yadav and Ghanshyam Yadav. The petitioners are only alleged to have been accompanying Devnarayan Yadav, Sudhir Yadav and Ghanshyam Yadav.

Considering the facts aforesaid, let the petitioners, above named, be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-V, Madhubani in connection with Basopatti P.S. Case No.323 of 2019.

(Prabhat Kumar Jha, J)

Saurabh/-

U		T	
---	--	---	--

