

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26297 of 2020

Arising Out of PS. Case No.-11 Year-2020 Thana- DHANSOI District- Buxar

SHYAMA YADAV Son of Late Priti Yadav Resident of Village- Rampur,
P.S.- Dhansoi, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar

For the Opposite Party/s : Mrs. Anita Kumari Singh

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-10-2020 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 petitioner and Mrs. Anita Kumari Singh, learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Dhansoi P.S. Case No. 11 of 2020 for the offence registered under Sections 341, 323, 504, 506, 427, 380, 452, 307, 354(B)/34 of the Indian Penal Code.

The allegation is regarding the petitioner having arrived at the shop of the informant on their motorcycle, however, when the informant had told them to park the motorcycle on the corner side of his shop, the petitioner started abusing him and



then he had left, however, he had again arrived at about 7:30 p.m. on the alleged date of occurrence and opened fire from his country made pistol as also damaged articles and taken away cash money. It is also alleged that the accused persons including the petitioner had caught the hand of the wife of the informant and slapped her.

The learned counsel for the petitioner has submitted that the petitioner is innocent, he has been falsely implicated in the present case and is having a clean antecedent. It is further submitted that a general and omnibus allegation has been levelled against the petitioner by the informant, hence benefit of doubt can be given to the petitioner. It is also submitted that no injury has been sustained by any member of the prosecution party including the informant.

Per contra, the learned A.P.P. 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 a general and omnibus allegation of assault has been levelled against the petitioner and the petitioner is having a clean antecedent, I deem it fit and proper to admit the petitioner to the privilege of



anticipatory bail, however, subject to certain conditions so that the investigation can be completed in a proper manner by the Investigating Officer.

Accordingly, the petitioner, above named, is directed to be released on anticipatory bail in the event of his arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Buxar in connection with Dhansoi P.S. Case No. 11 of 2020 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

It is further directed that the petitioner would mark his attendance before the Officer In-Charge of the concerned Police Station at 10:00 A.M. on every Monday of the week and in the event of his failure to do so on two consecutive occasion, the present privilege of bail shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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