

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23870 of 2020

Arising Out of PS. Case No.-395 Year-2019 Thana- PHULPARAS District- Madhubani

1. MAHAVIR YADAV Son of Late Sunnar Bhagat Resident of Village - Dhausahi, P.S.- Phulparas, District - Madhubani.
2. Ajeet Yadav @ Ajeet @ Ajeet Kumar Yadav Son of Chhutaharu Yadav Resident of Village - Dhausahi, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hriday Narayan Harshit, Adv.

For the Opposite Party/s : Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-10-2020 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 petitioners and Ms. Anita Kumari Singh, the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Phulparas P.S. Case No. 395 of 2019 registered for the offence punishable under Sections 341, 323, 324, 307, 109, 504, 34 of



the Indian Penal Code and Section 27 of the Arms Act.

At the outset, the learned counsel for the petitioners seeks to withdraw the present petition qua the petitioner no. 1 since he has already been arrested.

Accordingly, the present petition qua the petitioner no. 1 stands dismissed as not pressed.

The case of the prosecution in brief is that the accused persons along with the petitioners are alleged to have engaged in gunshot firing resulting in the informant and his family members and others sustaining firearms injury.

The learned counsel for the petitioner no. 2 has submitted that the petitioner no. 2 is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. It is further submitted by referring to the allegations levelled in the FIR that only the co-accused persons, namely, Ram Sunar and Jay Prakash are alleged to have engaged in gunshot firing and as far as the petitioner no. 2 is concerned, a general and



omnibus allegation has been levelled.

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 no.2 and taking into account the fact that specific allegation of gunshot firing is on the two other co-accused persons and as far as the petitioner no. 2 is concerned, only a general and omnibus allegation has been levelled and moreover, he is having a clean antecedent, I deem it fit and proper to admit the petitioner no. 2 to the privilege of anticipatory bail.

Accordingly, the petitioner no. 2 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 ACJM-II



Jhanjharpur, District-Madhubani in connection with
Phulparas P.S. Case No. 395 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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