

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25607 of 2020

Arising Out of PS. Case No.-342 Year-2019 Thana- NARPATGANJ District- Araria

1. Dayanand Yadav, aged about 65 years, Male, Son of Late Patashi Yadav, Resident of Village Khaira Chanda, P.S. Narpatganj, District Araria.
2. Manohar Yadav, aged about 25 years, Male, Son of Dayanand Yadav, Resident of Village Khaira Chanda, P.S. Narpatganj, District Araria.
3. Manoj Yadav, aged about 21 years, Male, Son of Dayanand Yadav, Resident of Village Khaira Chanda, P.S. Narpatganj, District Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioners : Mr. Mrigendra Kumar, Advocate
For the Opposite Party : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 14-10-2020 At the outset, learned counsel for the petitioners submits that during the pendency of this bail petition, Dayanand Yadav, petitioner no.1 and Manohar Yadav, petitioner no.2 have been arrested and, therefore, he may be permitted to withdraw the anticipatory bail petition filed on their behalf.

Prayer is allowed.

The anticipatory bail petition of Dayanand Yadav, petitioner no.1 and Manohar Yadav, petitioner no.2 is dismissed as withdrawn.

Heard Mr. Mrigendra Kumar, learned counsel appearing on behalf of Manoj Yadav, petitioner no.3 and Mr. Anil Kumar, the learned Additional P.P. through video conferencing.

Petitioner No.3, Manoj Yadav apprehends his arrest in Narpatganj P.S. Case No.342 of 2019, registered under Sections



307, 504 and 34 of the Indian Penal Code and 27 of the Arms Act.

The informant in sum and substance alleged that all accused persons having armed with different weapons assembled at the door of the informant and started provoking the informant. It is further alleged that when his nephew, Ajay Yadav came, Pawan Yadav made indiscriminate firing. His nephew got firearm injury in his leg.

Learned counsel for the petitioner submits that the petitioner is of course named in the FIR, but no specific allegation of assault is made. Only Ajay Yadav, nephew of the informant, got firearm injury in his leg. Pawan Yadav is alleged to have fired. Even no allegation of assault against the petitioner is made. Pawan Yadav has already been granted bail.

Having regard to the fact that although the petitioner is named in the FIR, but no allegation of assault is made, let petitioner no.3, namely, Manoj Yadav, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt of the order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M, Araria in connection with Narpatganj P.S. Case No.342 of 2019, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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