

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24006 of 2020

Arising Out of PS. Case No.-312 Year-2019 Thana- BAKHTIARPUR District- Saharsa

MUKESH YADAV son of Late Bindeshwari Yadav @ Bino Yadav Resident of Village - Tilathi, Police Station - Simri Bakhtiyarpur (O.P. Kanariya), District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satish Kumar Singh

For the Opposite Party/s : Dr. (Smt.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 15-10-2020 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 Dr. (Smt.) Indihar Kumari, the learned A.P.P. appearing for the State.

The petitioner apprehends his arrest in connection with Bakhtiyarpur P.S. Case No. 312 of 2019 for the offence punishable under Sections 147, 148, 149, 307, 302 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioner herein, who were variously armed with



guns, having arrived at the house of the informant, whereafter they are alleged to have abused the informant and his family members and the co-accused person namely Ranvir Singh had also fired from his gun, which had hit the brother of the informant, namely Rupesh Singh and subsequently, the said Rupesh Singh had succumbed to the firearm injury.

The learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in the present case. It is further submitted that a general and omnibus allegation has been levelled against the petitioner and the allegation of firing gun shots is on the co-accused person namely Ranvir Singh, hence benefit of doubt be granted to the petitioner herein for the purposes of grant of anticipatory bail to him.

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 parties and taking into account the fact that a general and omnibus allegation of assault has been levelled as against the petitioner herein, apart from the fact that the allegation of firing gun shots is on the co-accused person namely Ranvir Singh



resulting in death of the deceased, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail, however, subject to certain conditions.

Accordingly, in the event of arrest or surrender before the learned court below within a period of four weeks from today, the petitioner, above named, is directed to be released on anticipatory bail on furnishing bail-bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saharsa in connection with Bakhtiyarpur P.S. Case No.312 of 2019 subject to the conditions as laid down under Section 438(2) Cr. P.C.

It is further directed that the petitioner would mark his attendance before the S.H.O. of the concerned police station at 10 A.M. on each and every Monday of the week and in the event of his failure to do so on two consecutive occasions, the present privilege of anticipatory bail being granted to the petitioner herein shall stand cancelled automatically and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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