

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28164 of 2020

Arising Out of PS. Case No.-194 Year-2019 Thana- SONBERSA District- Saharsa

1. Shashi Yadav, Male, aged about 40 years, S/o Late Siyaram Yadav, Resident of Village-Khajuraha, P.S.-Sonbarsa Raj, District-Saharsa.
2. Becho Yadav @ Bechan Yadav, Male, aged about 55 years, S/o Bino Yadav @ Bindeshwari Yadav, Resident of Village-Khajuraha, P.S.-Sonbarsa Raj, District-Saharsa.
3. Ramesh Yadav, Male, aged about 40 years, S/o Late Maheshwari Yadav @ Janeshvari Yadav, Resident of Village-Khajuraha, P.S.-Sonbarsa Raj, District-Saharsa.
4. Sobindar Paswan @ Sobhindra Paswan, Male, aged about 41 years, S/o Nengaru Paswan @ Fuleshwar Paswan, Resident of Village-Khajuraha, P.S.-Sonbarsa Raj, District-Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 03-12-2020 Learned counsel for the petitioner seeks permission to withdraw anticipatory bail petition of petitioner no.4, Sobindar Paswan @ Sobhindra Paswan as he has already been arrested.

Prayer is allowed.

The prayer for anticipatory bail of petitioner no.4, Sobindar Paswan @ Sobhindra Paswan is dismissed as withdrawn.

Heard Mr. Amarnath Jha, learned counsel for the petitioners and Mr. Shyameshwar Dayal, the learned Additional P.P. through video conferencing.



Petitioners apprehend their arrest in Sonbarsa Raj P.S. Case No.194 of 2019, registered under Sections 147, 148, 149, 323, 307, 447, 504 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

The informant named all the three petitioners and others and alleged that they all made indiscriminate firing causing injury on the shoulder of her husband, Naresh Yadav.

Learned counsel for the petitioners submits that there is omnibus and general allegation against the petitioners. The husband of the informant in para 29 of the case diary disclosed that Chandan Yadav fired which hit on his shoulder. The petitioners are alleged to have made firing in the air. Petitioner no.3, namely, Ramesh Yadav and petitioner no.4, namely, Sobindar Paswan, whose case has already been withdrawn, are the witnesses in the case lodged by Shashi Yadav being Sonbarsa Raj P.S. Case No.156 of 2019. Niranjana Paswan also lodged Sonbarsa Raj P.S. Case No.73 of 2018 and Naresh Yadav lodged Sonbarsa Raj P.S. Case No.69 of 2003 against the husband of the informant. The husband of the informant is a notorious criminal.

The learned Additional P.P. vehemently opposed the prayer for anticipatory bail of the petitioners and submits that there is allegation of firing against the petitioners also.

It appears from perusal of the order of the learned



Sessions Judge that the injured in para 29 of the case diary disclosed that the firing made by Chandan Yadav hit on his shoulder. The husband of the informant got only one firearm injury. No other persons got any firearm injury. It appears that there is series of litigation between the two sides and no specific allegation of firing is made against the petitioners.

Considering the facts aforesaid, let petitioners no.1, 2 and 3, namely, Shashi Yadav, Becho Yadav @ Bechan Yadav and Ramesh Yadav, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Saharsa in connection with Sonbarsa Raj P.S. Case No.194 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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