

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25018 of 2020

Arising Out of PS. Case No.-332 Year-2019 Thana- Udakishunganj District- Madhepura

1. DILKHUSH YADAV @ DIL KHUSH KUMAR YADAV Resident of Village- Sekhpura Chaman, Gosai Tola, P.S.- Udakishunganj, District- Madhepura.
2. Bauku Yadav Son of Janeshwar Yadav Resident of Village- Sekhpura Chaman, Gosai Tola, P.S.- Udakishunganj, District- Madhepura.
3. Sonu Kumar @ Bijli Yadav Son of Maheshwar Yadav Resident of Village- Sekhpura Chaman, Gosai Tola, P.S.- Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Opposite Party/s : Mr. (Dr.) Mritunjay Kumar Gautam

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

5 14-12-2020 Heard learned Counsel for the petitioners and learned Additional Public Prosecutor for the State, through video conferencing.

This application, for grant of anticipatory bail, arises out of Udakishunganj Police Station Case No. 332 of 2019, disclosing offences under Sections 147/148/149/506 of the Indian Penal Code, Section 27 of the Arms Act and Sections 3/4 of the Explosive Substances Act.

The prosecution case, as per the First Information Report, is that on 16.11.2019, at about 8 pm, in the night, the petitioners, along with other accused persons, armed with deadly weapons, arrived at the house of the informant and started indiscriminate firing and also hurled two bombs at the



house of the informant with intention to kill her, but the informant had a narrow escape.

Learned Counsel for the petitioners submits that the petitioners have falsely been implicated in this case inasmuch as the father of petitioner no. 3 was killed by the husband and the father-in-law of the informant, in which the petitioners are the witnesses and in order to prevent the petitioners from deposing before the learned Court below, the present malicious First Information Report has been lodged by the informant. He further submits that in course of investigation, none of the witnesses has stated that the petitioners were involved in the commission of alleged crime. He, referring to paragraph 16 of this application, submits that the husband of the petitioner is a notorious criminal inasmuch as 40 criminal cases of serious nature are pending before him.

On the other hand, learned Additional Public Prosecutor vehemently opposes the prayer for anticipatory bail and referring to paragraphs 5 and 6 of the case diary, he submits that two witnesses have stated that they (witnesses) arrived at the place of occurrence after hearing the sound of firing and they were told by the informant that the petitioners, along with others, have fired upon the informant and the informant showed



the witnesses, who reached there, marks of firing on the wall of her house and also showed them the residue of the exploded bombs. He further submits that the materials collected from the place of occurrence were sent to the Forensic Science Laboratory for examination and in the forensic examination, it has been confirmed by the Forensic Science Laboratory that the materials were the part of the explosive substance. He, referring to paragraph 66 of the case diary, further submits that the police, in the supervision note, came to the finding that there is rivalry of supremacy between the gang of Manoj Yadav (husband of the informant) and co-accused Janeshwar Yadav.

Having regard to the submissions made on behalf of the parties and taking into consideration the materials on record and the fact that in course of investigation, the trace of firing and explosive substance was found and there is direct allegation against the petitioners and further petitioners have criminal antecedents, I am not inclined to grant the petitioners privilege of anticipatory bail.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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