

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28643 of 2020**

Arising Out of PS. Case No.-95 Year-2020 Thana- KASIMBAZAR District- Munger

1. PARWAN YADAV Son of Suresh Yadav Resident of Village/Muhalla- Ward No. 44 Hussainganj, P.S.- Kasim Bazar, District- Munger.
2. Kare Lal Yadav Son of Suresh Yadav Resident of Village/Muhalla- Ward No. 44 Hussainganj, P.S.- Kasim Bazar, District- Munger.
3. Chunchun Yadav @ Brajesh Yadav Son of Upendra Yadav Resident of Village/Muhalla- Ward No. 44 Hussainganj, P.S.- Kasim Bazar, District- Munger.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Sanjiv Kumar Singh, Advocate  
For the Opposite Party/s : Mr. Umesha Nand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      04-12-2020

As of now the Courts have not resumed normal physical hearing, the matter has been listed today for consideration through Video Conferencing.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual court proceedings from their homes, all with the aid of audio visual technology.

Mr. Umesha Nand Pandit, APP is appearing for the State as it is submitted that the brief has been allotted to him by the office of Advocate General.

Heard learned Counsel for the petitioners and the learned Counsel for the State.

This Court would expect that the petitioners' Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioners apprehend arrest in Kasim Bazar PS Case No. 95 of 2020 registered under Sections 147, 148, 149, 307 of the IPC and Sections 25(1-b)a/26(i)(ii)/27/35 of the Arms Act.

The allegation is of firing between the two groups. The police personnel has apprehended four persons. They have allegedly



named the instant petitioners along with others.

It is submitted by learned Counsel for the petitioners that other than statement of co-accused having no evidentiary value, there is nothing to implicate the petitioners in the instant occurrence. Petitioner No. 1 has no criminal antecedent. Petitioner Nos. 2 and 3 had been made accused in a case in the year 2006 under the bailable sections. Submission is that even from the order of rejection by the court below it is obvious that only two empty cartridges have been recovered from the place of occurrence and therefore implication of 15 persons is on extraneous consideration.

Learned APP for the State has opposed the prayer for anticipatory bail.

Having considered the rival submissions this Court is inclined to grant the privilege of anticipatory bail to the petitioners.

Accordingly, let the petitioners above named, in the event of arrest or surrender before the court below within four weeks from today, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of CJM Munger. in Kasim Bazar. PS Case No. 95 of 2020 subject to all conditions as laid down in Section 438(2) of the Criminal Procedure Code as also the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

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