

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63548 of 2019

Arising Out of PS. Case No.-134 Year-2019 Thana- ALOULI District- Khagaria

1. MANILAL YADAV @ RITESH KUMAR YADAV Son of Rana Yadav @ Rana Pratap Yadav Resident of Village - Chukti, P.S.- Mansi, District- Khagaria
2. Shyamlal Yadav @ Shyam Yadav Son of Rana Yadav @ Rana Pratap Yadav Resident of Village - Chukti, P.S.- Mansi, District- Khagaria

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raja Surendra Mohan, Advocate

For the Opposite Party/s : Mr.Md. Ataur Rahman, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners in this case are seeking anticipatory bail in connection with Alauli P.S. Case No. 134 of 2019 registered for the offence punishable under Sections 147, 148, 447, 307 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioners submits that on a bare reading of the first information report it will appear that there are allegations of indiscriminate firing against altogether 14 persons named in the FIR. Nobody has got injured in the said firing and the alleged occurrence is said to have taken place at about 10:00 p.m. in the night. It is submitted tht at 10:00 p.m. in the night it is not possible to identify the persons who were allegedly firing and though in the restatement the informant has



tried to improve upon the case that in the torch light he identified the accused persons but it is not possible as no person would take risk of seeing the accused in the torch light where the firing is going on because any such torch light may attract firing itself. It is explained that these two petitioners are the seizure list witnesses and eye witnesses to the Alauli P.S. Case No. 385 of 2018 in which the brother-in-law (Bahnoi) of petitioners was murdered and FIR has been lodged by the sister of the petitioners.

It is submitted that the husband of the present informant is accused in the said case and the trial of the said case has started in which the petitioners have to depose as witness and only to keep them away from the trial, present case has been lodged. It is submitted that in paragraph '3' three cases in which the petitioners have been made accused are properly mentioned. It is submitted that those three cases were lodged by non-else than by the present informant and her near relations. There is no otherwise criminal history of these petitioners.

Learned APP for the State has opposed the prayer for anticipatory bail, however, he has doubted that at 10 p.m. in the night the informant could have identified the 14 persons by name and that too when indiscriminate firing was taking place.

Considering the facts and circumstances of the case and the submissions which have been taken note of hereinabove as



also considering that there is no allegation of causing injury in the said firing and the petitioners are said to be the witnesses in the case lodged against the husband of the present informant, let the petitioners above named in case of their arrest or surrender within a period of four weeks from today in connection with Alauli P.S. Case No. 134 of 2019 be released on bail on furnishing of bail bonds of Rs.15,000/- (fifteen thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required:

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

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