

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65733 of 2019

Arising Out of PS. Case No.-132 Year-2018 Thana- PHULPARAS District- Madhubani

SUNIL YADAV, aged about 36 years, Male, S/o Hariharnath Yadav, Resident
of village- Siswa Barhi, P.S.- Phulparas, District- Madhubani
... Petitioner

Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Adv.
For the Opposite Party : Mr. Choubey Jawahar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

5 24-02-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

The petitioner seeks pre-arrest bail in connection with
Phulparas P.S. Case No. 132 of 2018, pending in the Court of
the Additional Chief Judicial Magistrate, II, Jhanjharpur,
Madhubani, registered under Sections 147, 148, 149, 341, 323,
504, 506 and 307 of the Indian Penal Code and 27 of the Arms
Act.

The accusation is that the informant, Bisheshwar
Yadav, was in the way of his house, at that time, 11 persons,
named in the first information report, variously armed with
weapons in their hands, stopped him. When he made protest,
then, all started making firing, thereafter, informant started to
flee away, but, firing made by petitioner, Sunil Yadav, hit him
below his left eye and sustaining fire arm injury he fell down.



Submission is that informant in his re-statement, as detailed in paragraph 29 of the case diary, has stated different version saying that the firing was made by the petitioner from the roof, which hit near his eye. The petitioner is in custody since 21.02.2019.

Learned Additional Public Prosecutor opposed the prayer for bail of the petitioner with submission that two fire arm injury, one on neck and another below left eye were found on the informant, which appears from the injury report. Further, submission is that petitioner has criminal antecedent and he is involved in 32 cases, as detailed in paragraph 3 of the petition.

Having regard to the facts and circumstances of the case, I am inclined to grant bail to the petitioner. The prayer for bail is **rejected** for the present.

(Rajendra Kumar Mishra, J)

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