

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 69725 of 2019

Arising Out of PS Case No.-138 Year-2018 Thana- PHULPARAS District- Madhubani

1. Ashok Yadav @ Ashok Kumar Yadav, aged about 30 years (Male), Son of Ramashish Yadav. (Stands withdrawn Vide Order dated 04.12.2019).
2. Saroj Yadav @ Saroj Kumar, aged about 28 years (Male) Son of Ramashish Yadav.

Both Residents of Village - Bahuarwa, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Gagandeo Yadav, Advocate

For the State : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 16-03-2020

Heard learned counsel for the petitioner no. 2; learned APP for the State and learned counsel for the informant, who has *suo motu* appeared.

2. As per the earlier order, the application is restricted to petitioner no. 2.

3. The petitioner no. 2 apprehends arrest in connection with Phulparas PS Case No. 138 of 2018 dated 03.07.2018



instituted under Sections 147, 148, 149, 341, 385, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

4. The allegation against the petitioner no. 2 with another co-accused is of firing on the father of the informant.

5. Learned counsel for the petitioner no. 2 submitted that the first medical report did not find any firearm injury and the doctor has found simple injury caused by hard blunt substance. It was submitted that only on the direction of the IG, a Medical Board was constituted, which has given a different medical report. Learned counsel submitted that there is land dispute between the parties for which a title suit is also pending and the father of the petitioners have earlier filed Phulparas PS Case No. 120 of 2012, against the informant and his family members.

6. Learned APP, from the case diary and learned counsel for the informant submitted that the Medical Board has found gun shot injury on the left leg and right ankle on the father of the informant and that against the petitioner no. 2 there is specific allegation of having fired on him, which stands corroborated.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner no. 2 on anticipatory bail.



8. Accordingly, the prayer for anticipatory bail on behalf
of petitioner no. 2 stands dismissed.

(Ahsanuddin Amanullah, J.)

P. Kumar

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