

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85165 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- NAUHATTA District- Saharsa

1. RAJ KUMAR YADAV S/o Late Bishwanath Yadav R/o village- Narayanpur, P.S.- Nauhatta (Darhar O.P.), Distt.- Saharsa
2. Indra Kumar Yadav S/o Bindeshwari Yadav R/o village- Narayanpur, P.S.- Nauhatta (Darhar O.P.), Distt.- Saharsa
3. Arun Yadav S/o Late Garib Yadav R/o village- Narayanpur, P.S.- Nauhatta (Darhar O.P.), Distt.- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha
For the Opposite Party/s : Mr.Nirmala Kumari

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2020 Heard the learned counsel for the petitioners and the learned APP for the State.

This is an application for grant of anticipatory bail in connection with Nauhatta P.S. Case No. 74 of 2019, registered for the offence punishable under Sections 147, 148, 149, 341, 323, 307, 354(A), 354(B), 379, 447, 448, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons having assaulted the informant and her husband. The specific allegation of firing gunshot is on the co-accused person, namely, Ram Kumar Yadav.



The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. It is submitted that though the petitioner no. 3 is having a clean antecedent, there are some other cases against the petitioner nos. 1 and 2 filed by the same informant who is also the informant of the present case, however, the petitioner nos. 1 and 2 are on bail in the said cases. It is further submitted that a general and omnibus allegation has been levelled against the petitioners and the main allegation of firing gunshot is on the co-accused person, namely, Ram Kumar Yadav.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, coupled with the fact that no specific allegation of overt act has been levelled against the petitioners and there is a dispute going in between the parties, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned



Chief Judicial Magistrate, Saharsa in connection with Nauhatta
P.S. Case No. 74 of 2019, subject to the conditions as laid down
under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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