

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85796 of 2019

Arising Out of PS. Case No.-95 Year-2019 Thana- BASANHI District- Saharsa

1. Pramod Yadav S/o Niro Yadav Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
2. Sanjay Yadav S/o Late Raghuni Yadav Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
3. Shankar Yadav S/o Hareram Yadav Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
4. Santosh Yadav S/o Nakhedi Yadav Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
5. Raja Poddar S/o Manoj Poddar Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
6. Badal Yadav S/o Chandan Yadav Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
7. Rahul Yadav @ Rahul Kumar S/o Chandan Yadav Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
8. Md. Atabul @ Md. Atubul @ Md. Atubul Yadav S/o Md. Sadik Resident of Village- Mangwar, Nasi Tola, Ward No.1, P.S.- Basnahi, Distt- Saharsa.
9. Ravi Yadav S/o Late Mani Yadav R/o Village- Baraith, P.S.- Basnahi, Dist- Saharsa.
10. Price Kumar S/o Anjani Yadav R/o Village and Panchayat Badsan, P.S.- Basnahi, Distt- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Ms. Rashmi Jha, Advocate
For the Opposite Party/s :	Mr. Dashrath Mehta, A.P.P.
	Mr. Umesh Chandra Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Basnahi P.S. Case No. 95 of 2019 registered for the offences punishable under Sections 341, 323, 379, 307, 384,



448, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioners as per First Information Report is that petitioners alongwith 5-6 unknown person arrived at the shop of the informant, abused and assaulted him and took away Rs.20,000/- from the shop and 20 liters petrol and petitioner no.1 fired from his country made pistol which did not hit the informant. It has further been alleged that accused persons thereafter fled away leaving behind motorcycle bearing Registration No. BR-43F-2226 and three empty cartridges and motorcycle were found, which were handed over to the police.

Ms. Rashmi Jha, learned counsel appearing for the petitioners at the outset seeks permission to withdraw this application against petitioner no.1 with liberty to file regular bail application inasmuch as the allegation of firing is upon him and petitioner no.1 has got criminal antecedents which has been stated in para-3 of this application. In so far as petitioner no.2 to 10 it has been submitted by learned counsel for the petitioners that petitioners have falsely been implicated in this case due to oblique motive and previous enmities and due to village politics inasmuch as both the parties belong to the same village. She



further submits that there is no specific allegation against all these petitioners and the allegation against them are general and omnibus in nature.

Having heard learned counsel for the parties and taking into consideration the fact that both the parties are co-villagers and there is general and omnibus allegation against them, I am inclined to grant anticipatory bail to the petitioner no.2 to 10.

Accordingly, let the petitioner no.2 to 10, above named, in the event of his 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, is directed to be released on anticipatory bail 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 Additional Chief Judicial Magistrate-III, Saharsa in connection with Basnahi P.S. Case No. 95 of 2019, subject to the conditions as laid down under Section 438(2) of Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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