

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86924 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- CHAUTHAM District- Khagaria

1. RAJEEV YADAV Son of Kallu Yadav Resident of Village - Soharwa, Police Station - Chautham, District - Khagaria.
2. Lakshmi Yadav @ Laxmi Yadav Son of Late Ghuran Yadav Resident of Village - Soharwa, Police Station - Chautham, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 24-01-2020 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Chautham P.S. Case No. 49 of 2019 for the offence registered under Sections 447, 504 and 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The case of the prosecution in brief is that on the alleged date and time of occurrence, the informant had heard sound of firing whereafter she came at the door of her house and saw that the accused persons were in an intoxicated condition and were uttering in an abusive language while the petitioner no. 1 was firing on the wall, whereafter the petitioner



no. 2 had ordered to shoot the informant, after the informant had protested to such behaviour of the accused persons, however, in the meantime, the petitioner no. 1 had fired at the husband of the informant resulting in the informant receiving gun shot injury.

The learned counsel for the petitioners has submitted that the petitioners have been falsely implicated in the present case. It is further submitted that the petitioner no. 1 is an accused in three cases while the petitioner no. 2 is an accused in one other case. The learned counsel for the petitioners has further submitted that the informant has not sustained any injury on the vital part of her body.

Having regard to the facts and circumstances of the case and considering the submissions of the learned counsel for the petitioners, this Court finds that there is direct allegation upon the petitioners herein of having fired upon the informant and her husband and a bare perusal of the impugned order dated 22.08.2029 would also show that grievous injuries have been found on the person of the informant and mild charring is also present as far as one of the injuries, sustained by the informant is concerned, and moreover, the informant is stated to have received grievous injury, thus this Court finds that there is



ample material on record to suggest the complicity of the petitioners in the aforesaid occurrence and the accusation being serious in nature as also considering the bad antecedent of the petitioners herein, this Court finds that at least the present case is not a fit case for grant of anticipatory bail to the petitioners herein, hence the same is dismissed.

(Mohit Kumar Shah, J)

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