

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9380 of 2020

Arising Out of PS. Case No.-142 Year-2019 Thana- PASRAHA District- Khagaria

MIRTUNJAY YADAV, aged about 25 years (Male), S/o Late Rabindra Yadav,
Resident of Village - Bandehra, P.S. - Pasraha, District - Khagaria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 05-03-2021 Heard both sides.

The petitioner apprehends his arrest in Pasraha P.S.
Case No.142 of 2019, registered under Sections 147, 148, 149,
307, 323, 325, 504 and 506 of the Indian Penal Code and under
Section 27 of the Arms Act.

The informant alleged that he along with his brother,
Rajeev Kumar Raman and cousin Navin Kumar were talking in
front of the house of Kameshwar Bhagat, but in the meantime,
Sujeet Kumar Yadav, a ward member came. He also participated in
the talk but some persons came on Scorpio vehicle, stare at the
informant and others and thereafter they came down from the
vehicle. On the order of Chandradeo Yadav, Sanjeev Kumar Yadav
having armed with pistol, Tinku Yadav, Gandhi Yadav, Bablesh
Yadav, Mritunjay Yadav, the petitioner, Kaushal Yadav, Sanjay



Yadav, Birbal Yadav @ Pravin Kumar Kusum, Gulshan Kumar, Bambam Yadav, Raushan Yadav and Chandsi Yadav started indiscriminate firing. The informant tried to save himself but got injuries on his shoulder and neck. The informant also got injury on his right hand. In the indiscriminate firing, one villager was also injured.

Mr. Binod Kumar, the learned counsel for the petitioner submits that petitioner is a teacher. Petitioner has got no criminal antecedent. Chandradeo Yadav is the former Public Prosecutor of Khagaria. On account of political rivalry, the informant has lodged this case. From perusal of the injury report, it would appear that of course the informant got three injuries but the doctor did not describe the nature of injury and the weapon used for causing such injury. Chhotu Kumar, the injured in para 54 of the case diary did not disclose the name of the petitioner. It is further submitted that only omnibus and general allegation is made. Tinku Yadav has already been enlarged on bail by the learned IVth Additional Sessions Judge, Khagaria vide order dated 12.02.2020. The case of the petitioner stands on the same footing. Hence, the petitioner may be enlarged on anticipatory bail. It is further submitted that the occurrence took place on 28.11.2019, but the informant made his fardbeyan in the hospital on 30.11.2019 and the delay has not been explained, but it appears that on account of political rivalry,



the accused persons having armed with different weapons came and made indiscriminate firing. The informant got as many as three injuries on different parts of his body. Of course the doctor has not opined that by which weapon the injury was caused. Chhotu Kumar, the another injured witness has of course not named the petitioner, but he disclosed that the accused persons, namely, Tinku Yadav fired. He also disclosed that other accused persons, who were sitting in the vehicle, were also making indiscriminate firing. The injured witness also supports the factum of occurrence. Other witnesses also disclosed the same facts.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

However, if the petitioner surrenders in the court below, the learned court below shall consider the prayer for regular bail of the petitioner taking into consideration the fact that similarly situated other accused persons have been granted regular bail.

(Prabhat Kumar Jha, J)

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