

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17212 of 2020

Arising Out of PS. Case No.-208 Year-2019 Thana- BAKHTIYARPUR District- Patna

1. ARJUN YADAV Son of Subalal yadav Resident of Village - Lakshmanpur, P.S. - Bakhtiyarpur, District - Patna.
2. Shibalak Yadav Son of Late Baldev Yadav Resident of Village - Lakshmanpur, P.S. - Bakhtiyarpur, District - Patna.
3. Karu Yadav Son of Late Baldev Yadav Resident of Village - Lakshmanpur, P.S. - Bakhtiyarpur, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashhar Mustafa

For the Opposite Party/s : Mr.Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 17-02-2021 Heard the learned counsel for the petitioners and Shri
Amit Kumar Rakesh, learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Bakhtiyarpur P.S. Case No. 208 of 2019, G.R. No. 908 of 2019 for the offence registered under Sections 147, 148, 149, 323, 307, 435, 436, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation is regarding the accused persons including the petitioners herein having resorted to gun shot firing whereafter some of the accused persons were also chased by the police and arrested by the police.

The learned counsel for the petitioners has submitted that the petitioners are innocent and have been falsely implicated in



the present case. The learned counsel for the petitioners has further submitted that the informant has been falsely implicating the petitioners on account of village rivalry and vengeance inasmuch as earlier also he had filed one case bearing Bakhtiyarpur P.S. Case No. 191 of 2019, on same and similar sort of allegations, however, the petitioners were granted anticipatory bail in the said case by a coordinate Bench of this Court by an order dated 06.03.2020, passed in Criminal Misc. No. 13301 of 2020. It is also submitted that for the same occurrence altogether three FIRs have been filed and as far as Bakhtiyarpur P.S. Case No. 207 of 2019 is concerned, which has been filed by the police, the petitioners have already been granted anticipatory bail by a coordinate Bench of this Court by an order dated 06.03.2020 passed in Criminal Misc. No. 13046 of 2020. It is further submitted that since the allegations levelled in the present case i.e. Bakhtiyarpur P.S. Case No. 208 of 2019 are more or less similar to the one levelled in Bakhtiyarpur P.S. Case No. 207 of 2019, the petitioners be also granted bail on same and similar grounds, in the present case. Lastly, it is submitted that though there is allegation of indiscriminate firing but none has received any injury which is also supported by the materials available in the case diary.



Per contra, Shri Amit Kumar Rakesh, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, taking into account the aforesaid submissions made by the learned counsel for the petitioners as also considering the materials available in the case diary, it appears that prima facie minuscule evidence is available on record as against the petitioners herein, hence I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-I, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 208 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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