

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17804 of 2020

Arising Out of PS. Case No.-125 Year-2019 Thana- BIND District- Nalanda

1. LALTUS YADAV Son of Late Birsi Yadav
2. Pawan Yadav Son of Late Birsi Yadav
Both resident of Village- Madanchak, P.S.- Bind and District- Nalanda.
... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Adv.
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-01-2021 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in connection with Bind P.S. Case No.125 of 2019 registered under sections 302/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, it is submitted that over a dispute between the parties, Ajit Yadav, Mukesh Yadav and Ajay Yadav who were variously armed with pistol etc. called their brothers including the petitioner herein on telephone. Both the accused persons assaulted the informant's husband and thereafter Ajit Yadav and Ajay Yadav shot at the husband of the informant. Mukesh Yadav also fired on the informant's husband and Ajit Yadav also pointed the pistol towards the informant.



It is submitted by learned counsel for the petitioners that from perusal of the FIR itself, it would transpire that neither the initial altercation was committed by the petitioners nor were they part of the initial altercation between the parties. There is no specific overt act alleged against them. A specific overt act of firing is on Ajit Yadav, Ajay Yadav and Mukesh Yadav. The allegations are general and omnibus. The petitioners have no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and taking into consideration the aforesaid facts and circumstances of the case, the main allegation of firing not being against Laltus Yadav and Pawan Yadav, the Court is inclined to enlarge the petitioners on anticipatory bail.

The petitioners are directed to surrender in the Court below within a period of eight weeks from today and in the event of their arrest or surrender in connection with Bind P.S. Case No.125 of 2019 they shall be enlarged on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Nalanda at Biharsharif,



subject to the conditions as laid down under section 438(2) of
the Cr.P.C.

(Partha Sarthy, J)

Prakash Narayan /-

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