

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27178 of 2020

Arising Out of PS. Case No.-273 Year-2019 Thana- MANSI District- Khagaria

1. JAWAHAR YADAV, Son of Late Baldeo Yadav Resident of Village - New Bangaliya, P.S. - Mansi, District - Khagaria.
2. Jawahar Yadav, Son of Deo Narayan Yadav, Resident of Village - Shaswa, P.S. - Chautham, District - Khagaria.
3. Pawan Yadav, Son of Tamatar Yadav, Resident of Village - Belbara, P.S. - Simri Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv.
	:	Mr. Sudish Kumar, Adv.
For the State	:	Mr. Binod Kumar-2, APP
For the Informant	:	Mr. Shekhar Kr. Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-01-2021 Heard the parties.

Since the petitioner no. 01 has been arrested, learned senior counsel for the petitioners seeks permission to withdraw this application.

Permission is granted.

According, this application is dismissed as withdrawn.

Regarding petitioner nos. 02 and 03:

The petitioners are apprehending their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 341, 307, 302, 120B, 504, 506 of the Indian Penal Code and 27 of the Arms Act.



According to FIR, the petitioners are member of the unlawful assembly. One of the members allegedly caused firearm injury and death of one person.

Learned senior counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. There is general and omnibus allegation against the petitioners. There is no allegation of specific overt act against the petitioners.

Learned counsel for the informant submits that the anticipatory bail of the similarly situated co-accused has been rejected by a Co-ordinate Bench of this court vide order dated 14.12.2020 passed in Cr. Misc. No. 2658/2020. In paragraph 53 of the case diary, it is mentioned that the injured person identified the accused person who fired upon victim.

Learned APP for the State opposes the prayer for bail of the petitioners.

In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioners on bail. Accordingly, the prayer for anticipatory bail of the petitioner nos. 02 and 03 are rejected in connection with Mansi P.S. Case No. 273 of 2019 from the Court of learned C.J.M., Khagaria.

Accordingly, this application is disposed of.



However, petitioner nos. 02 and 03 are directed to
surrender before the learned court below and make prayer for
bail, the learned court below shall dispose of the bail petition on
the same day without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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