

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27761 of 2020

Arising Out of PS. Case No.-56 Year-2019 Thana- MUNGER MUFFASIL District- Munger

SAGAR YADAV @ SAGAR KUMAR, Son of Kailash Yadav, Resident of
Sandalpur Mungra Pokhar, Police Station - Muffasil, District - Munger.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Ranjan, Advocate

For the Opposite Party/s : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 23-02-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, five persons including the petitioner intercepted the informant and on the order of co-accused Sudhir Yadav, co-accused Santosh Yadav @ Munna Vir fired causing injury at the scapular region of the informant. When the informant was fleeing, co-accused Sagar Yadav and Badal Yadav fired causing injury to Bipul Yadav.

It appears that co-accused Santosh Yadav @ Munna Vir has already been denied bail vide order dated 04.12.2019 passed in Cr. Misc. No. 68275 of 2019.



Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. On the alleged date of occurrence, he was getting training at the Police Training Centre, Aurangabad which would be evident from the report of the Superintendent of Police, Munger. He further submits that there is no explanation for lodging the FIR after one week of the occurrence.

Learned counsel for the informant opposed the prayer for anticipatory bail on the ground that there is allegation of firing against the petitioner also.

Considering the fact that specific allegation is against some other co-accused and general and omnibus allegation is against the petitioner, coupled with the fact that there is plea of alibi substantiated by material on the record for the purpose of consideration of this prayer for anticipatory bail as well as considering the fact that the petitioner has got no criminal antecedent, let the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of thirty days from the date of receipt of the order, be released on anticipatory bail on furnishing bail bond of Rs.20,000/- (rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court below



where the case is pending in connection with Munger Muffasil Police Station Case No. 56 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as subject to the following conditions:-

(a) The petitioner shall fully cooperate with the investigation/trial of the case, failing which the Court below shall be at liberty to cancel the bail bond of the petitioner.

(b) Both the bailors shall be resident of territorial jurisdiction of the learned Court below.

(c) The petitioner shall not leave the country without permission of the learned trial Court.

(Birendra Kumar, J)

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