

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31501 of 2020

Arising Out of PS. Case No.-87 Year-2020 Thana- PHULPARAS District- Madhubani

Shiv Shankar Yadav @ Tirka, aged about 22 years, Male, S/o Shambhu Yadav, R/o Village - Mahathaur Khurd, P.S. - Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Lakshmindra Kumar Yadav
For the Opposite Party/s :	Mr. Hriday Narayan Harshit, Advocate
	Mr. Gauri Shankar Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-01-2021 Heard Mr. Lakshmindra Kumar Yadav, learned counsel for the petitioner, Mr. Hriday Narayan Harshit, learned counsel for the informant and Mr. Gauri Shankar Gupta, learned Additional Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with Phulparas P.S. Case No. 87 of 2020 corresponding to G.R. No. 298 of 2020 registered for the offence punishable under Sections 341, 323, 504 of the I.P.C. and Section 25 (1-b) a / 26 of the Arms Act.

The allegation as per the First Information Report is that the petitioner along with other 02 persons arrived at the door of the informant on a motorcycle armed with gun and started to abuse him and upon protest the petitioner tried to flee



away from the place of occurrence however, he was caught along with the gun in his hand but taking advantage of the chaos petitioner succeeded in fleeing away leaving the gun on the spot. The gun was allegedly produced by the informant before the Police.

Learned counsel for the petitioner submits that petitioner has not committed any offence in the manner alleged and has falsely been implicated in this case due to village enmity. Learned counsel next submits that petitioner has got no criminal antecedent and the gun in question allegedly produced by the informant before the Police does not belong to the petitioner. Learned counsel further submits that petitioner is the co-villager of the informant.

On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that during the course of investigation S.P. and Dy.S.P. have come to the conclusion that the gun which was produced before the Police belongs to the petitioner.

Having regard to the submissions made by learned counsel for the parties, taking into consideration the fact that the gun in question was not recovered from the conscious possession of the petitioner and both the parties are co-villagers,



I am inclined to grant anticipatory bail to the petitioner.

Accordingly, in the event of arrest or surrender before the court below within six weeks from today, petitioner, above named, shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.- 2nd, Jhanjharpur, District - Madhubani / court concerned in connection with Phulparas P.S. Case No. 87 of 2020, corresponding to G.R. No. 298 of 2020, subject to the condition as laid down under Section 438 (2) of the Code Of Criminal Procedure.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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