

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31635 of 2020

Arising Out of PS. Case No.-368 Year-2019 Thana- SAHEBPUR KAMAL District-
Begusarai

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1. Kshatri Yadav Son of Late Ramotar Yadav Resident of - Ward No. 1, Kriti Tol, Bishunpur, Ashok Ghat, Bishanpurt, Ahok, P.S. - Sahebpur Kamal, District - Begusarai.
 2. Lalit Yadav Son of - Shankar Yadav Resident of - Ward No. 1, Kriti Tol, Bishunpur, Ashok Ghat, Bishanpurt, Ahok, P.S. - Sahebpur Kamal, District - Begusarai.
 3. Mukesh Yadav Son of Leader Yadav Resident of - Ward No. 1, Kriti Tol, Bishunpur, Ashok Ghat, Bishanpurt, Ahok, P.S. - Sahebpur Kamal, District - Begusarai.
 4. Leader Yadav @ Lidar Yadav Son of Late Badri Yadav Resident of - Ward No. 1, Kriti Tol, Bishunpur, Ashok Ghat, Bishanpurt, Ahok, P.S. - Sahebpur Kamal, District - Begusarai.
 5. Ashok Yadav Son of Late Paro Yadav Resident of - Ward No. 1, Kriti Tol, Bishunpur, Ashok Ghat, Bishanpurt, Ahok, P.S. - Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pritish Kumar Lal
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 05-03-2021 Learned counsel for the petitioners submits that he will not press this application with respect to petitioner nos. 2 to 5 and will confine his prayer to petitioner no.1 only.

In view of the above, this application, as against the petitioner nos. 2 to 5, stands rejected and this order will be confined to the petitioner no.1 only.

Heard learned counsel for the parties.



Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner no.1 is apprehending his arrest in connection with Sahebpur Kamal P.S. Case No. 368 of 2019 registered for offences under sections 341, 452, 323, 307, 379, 324, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that Section 307 of the I.P.C. could not be made out against him as the petitioner, holding pistol in his hand, has caused injury by the butt which itself shows that there was no intention of the petitioner to cause any harm leading to death.

Looking to the entire facts and circumstances of the case, let the petitioner no.1, above named, in the event of his arrest or surrender before the court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Sahebpur Kamal P.S. Case No. 368 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also subject to condition that whenever the police will call the petitioner for investigation/interrogation, he will remain present and if he



would not present himself, the privilege of grant of anticipatory bail shall be deemed to have been canceled. It is also made clear that if the petitioner is repeats the similar offence in future, the prosecution will be at liberty to file an application for cancellation of the bail.

(Shivaji Pandey, J)

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