

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32003 of 2020

Arising Out of PS. Case No.-16 Year-2020 Thana- SHANKARPUR District- Madhepura

1. Pradeep Yadav @ Pradeep Kumar, aged about 35 years, Male, Son of Late Dukha Yadav
2. Sachendra Kumar, aged about 30 years, Male, Son of Sipheth Lal Yadav
3. Anil Kumar, aged about 25 years, Male, Son of Sipheth Lal Mandal

All resident of Village - Jharkaha, Ward No. 7, Police Station - Shankarpur,
District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate
For the State : Mr. Amit Kumar Rakesh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Uday Chand Prasad, learned counsel for the petitioners no. 1 and 2 and Mr. Amit Kumar Rakesh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State, as earlier by order dated 05.03.2021, the application on behalf of petitioner no. 3 namely Anil Kumar has stood disposed off as withdrawn.

3. The petitioners no. 1 and 2 apprehend arrest in connection with Shankarpur PS Case No. 16 of 2020 dated



05.02.2020, instituted under Sections 341, 323, 354B, 504 and 506/34 of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioners is of intimidating the informant's family, especially the daughter with regard to not deposing against them in another case which was filed by the informant earlier and also of having fired at the house of the informant.

5. Learned counsel for the petitioners submitted that the allegation is false. It was submitted that in the investigation though the police have found the incident to have occurred, but there was fight between both the sides and further that despite the allegation being that the petitioners had fired at the house of the informant, there was no recovery of any cartridge. Learned counsel submitted that the FIR has been lodged only to create pressure on the petitioners.

6. Learned APP, from the case diary, submitted that witnesses have consistently supported the incident and there was genuine motive against the petitioners to commit such offence as earlier petitioner no. 1 was accused in Sahkarpur PS Case No. 157 of 2017 instituted under Sections 366A/34 of the Indian Penal Code and after coming out of jail the incident has occurred which clearly indicates that the allegations are true. It was further



submitted that there was no reason for the informant side to have a fight with the petitioners’ side for the reason that already they had filed a case in which trial was to commence and to prevent the informant’s side from deposing, this incident has occurred. It was submitted that the incident is serious as it strikes at the very root of the criminal justice system where an accused after coming out on bail intimidates the witnesses from deposing against him.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to petitioner no. 1 namely, Pradeep Yadav @ Pradeep Kumar and petitioner no. 2 namely, Sachendra Kumar.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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