

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33433 of 2020

Arising Out of PS. Case No.-112 Year-2020 Thana- DULHIN BAZAR District- Patna

1. BANTI YADAV @ BANTI KUMAR Son of Pramod Yadav Resident of Village- Sarkuna, P.S.- Dulhin Bazar, District- Patna.
2. Chandan Yadav @ Chandan Kumar Son of Bindu Yadav Resident of Village- Sarkuna, P.S.- Dulhin Bazar, District- Patna.

... .. Petitioners.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Sinha, Advocate.
For the State	:	Mr. Narsingh Tanti, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 16-03-2021 As prayed for, let the learned counsel for the petitioners remove the defect(s), as pointed out by the office vide its notes dated 07.12.2020, within four weeks of starting of the Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Dulhin Bazar P.S. Case No.112 of 2020 registered under Sections 302 and 120B/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that Umesh Yadav, the elder brother of the informant Raj Kumar Yadav, had gone to attend the call



of nature in the evening of 22.05.2020 and the informant had also gone in that direction to attend the call of nature. When Umesh Yadav, the elder brother of the informant Raj Kumar Yadav, after attending the call of nature proceeded towards Pansuhi, then Sujeet Kumar alias Mewalal, Nitish Kumar, Gajendra Yadav and Mukesh Yadav came and surrounded him and shot fire at him. On hearing the sound of firing, the informant raised alarm, then all fled away making firing. At that time, 11 other persons, named in the F.I.R., including the petitioners were also present there.

Learned counsel for the petitioners submits that the informant and the petitioners are co-villagers and due to dirty village politics, the informant has falsely implicated the petitioners showing his address of village-Pansuhi, while the informant is the resident of village-Sarkunna, which would appear from the order dated 05.03.2020 passed by a Coordinate Bench of this Court in Criminal Misc. No.76160 of 2019, whereunder the informant of the present case has been allowed the privilege of bail in connection with Sessions Trial No.956 of 2019, arising out of Dulhin Bazar Police Station Case No.111 of 2019, after remaining in custody for a period of about one year. It is further submitted for the sake of argument that if the



allegation of firing is taken to be true, then also, the petitioners are not the assailants nor any overt act has been attributed to the petitioners. More so, the similarly situated co-accused, namely, Pramod Yadav, Santosh Yadav and Bindu Yadav, have already been granted the privilege of pre-arrest bail by a Coordinate Bench of this Court vide Judgment dated 11.02.2021 passed in Criminal Misc. No.31642 of 2020.

Having considered the facts and the circumstances of the case, let the petitioners, above named, in the event of their arrest or surrender by them within six weeks from today, be enlarged on bail on their furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Sri P.K. Malviya, Judicial Magistrate, First Class, Danapur, District-Patna, in connection with Dulhin Bazar P.S. Case No.112 of 2020, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Rajendra Kumar Mishra, J)

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