

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1339 of 2021

Arising Out of PS. Case No.-81 Year-2020 Thana- CHAUSA District- Madhepura

1. HARISHCHAND YADAV @ DABLA YADAV Son of NAND KISHORE YADAV Resident of Village - Fulaut, Police Station - Chausa, District - Madhepura.
2. FUDUS YADAV @ PINTU YADAV Son of UMESH YADAV Resident of Village - Fulaut, Police Station - Chausa, District - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uday Chand Prasad
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 21-09-2021 Heard learned counsel for the petitioners and the State through virtual mode.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

The petitioners are apprehending their arrest in Chausa (O.P. Falaut) P.S. Case No. 81 of 2020 registered under Sections 341, 323, 333, 353, 307, 504 and 506/34 of the Indian Penal Code and 27 of the Arms Act.

Allegedly, while the informant, S.I. of police proceeded to Falaut East in connection with investigation of a case, some persons having weapons in their hands were seen. On seeing the



police party, the accused persons started firing upon them. The police party, also fired to save their lives.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been falsely implicated in the present case. The names of the petitioners have transpired in this case on the basis of disclosure made by local chowkidar. At the time of occurrence, the petitioners are alleged to have fired. From perusal of the case diary, it appears that none is said to have been injured in course of the occurrence. The petitioners have falsely been implicated in the present case at the instance of local chowkidar for oblique reason.

On behalf of the State, it is submitted that the petitioners are named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Sub Divisional Judicial Magistrate, Udakishunganj, Madhepura in connection with Chausa (O.P. Falaut) P.S. Case No. 81 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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