

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5151 of 2021

Arising Out of PS. Case No.-55 Year-2019 Thana- SHERGHATI District- Gaya

Krishna Yadav, Male, aged about 65 years, Son Of Late Anach Yadav @ Late Pahalwan Yadav, Resident Of Village - Karmouni, P.S. - Dobhi, District – Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajit Ranjan Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 24-08-2021 Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned A.P.P. for the State through Virtual mode.

The petitioner is apprehending his arrest in a case for the offence registered under Sections 147, 148, 149, 341, 323, 337, 338, 332, 333, 353, 307, 120(B), 504 of the I.P.C. and 27 of the Arms Act.

The prosecution story, in brief, is that on 15.02.2019, the informant alongwith other police officials had gone to village-Karmauni near the house of co-accused Manoj Yadav. In the meantime, co-accused Manoj Yadav started abusing to



prosecution party and also raised objection for search and raid going to be happened by the prosecution party. Co-accused Manoj Yadav opened fire upon the prosecution party by his country made pistol and the villagers also started to shot fire upon the prosecution party. Co-accused Birendra Yadav also opened fire on the prosecution party by his rifle. The prosecution party also made counter fire with a view to save themselves. Thereafter, accused persons started fleeing, out of whom, one co-accused, namely, Pappu Yadav, was arrested by the police and the petitioner alongwith other co-accused was identified by the informant, S.H.O. and local Chowkidar and due to darkness about 100 persons were identified.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. The allegation of firing is alleged against co-accused, namely, Birendra Yadav and Manoj Yadav. Altogether 18 persons alongwith 100 unknown persons have been made accused in the present case.



On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner 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 his personal bond to the satisfaction of the learned A.C.J.M. Sherghati, Gaya, in connection with Sherghati (Dobhi) P.S. Case No. 55 of 2019, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only 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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