

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10104 of 2021

Arising Out of PS. Case No.-114 Year-2020 Thana- MAHISHI District- Saharsa

1. Chandra Kishore Yadav Son Of Bindu Yadav Resident Of Village- Rakhathi, P.S- Mahishi, District- Saharsa
2. Bilash Yadav Son Of Bindu Yadav Resident Of Village- Rakhathi, P.S- Mahishi, District- Saharsa
3. Raj Kishore Yadav Son Of Bindu Yadav Resident Of Village- Rakhathi, P.S- Mahishi, District- Saharsa

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shiva Shankar Sharma, Advocate
For the Opposite Party/s : Mr.Satish Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 16-09-2021 Heard learned counsel for the petitioners and learned
APP for the State through virtual mode.

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

Counsel for the petitioners seeks permission to withdraw the present application on behalf of petitioner Nos.2 and 3, as the petitioner Nos.2 and 3 have been taken into judicial custody.

Permission is accorded.

The application filed on behalf of petitioner Nos.2 and 3 is dismissed as withdrawn.



The petitioner No.1 is apprehending his arrest in connection with Mahishi P.S. case No.114 of 2020 registered under Sections 147, 148, 149, 341, 323, 302, 504, 506 of the Indian Penal Code and 27 of the Arms Act.

Allegation is that the accused persons including the petitioner No.1 assaulted the son of the informant with lathi, danda, fists and slaps. Thereafter co-accused Raushan Yadav fired from his pistol which hit on left knee of son of the informant and he was taken to the Hospital and during treatment the son of the informant died.

It has been submitted on behalf of the petitioner No.1 that the petitioner No.1 has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner No.1. The petitioner No.1 has falsely been implicated in the present case. General and omnibus allegation has been made. No specific overt act is alleged against the petitioner No.1. Specific allegation of assault is alleged against the co-accused Raushan Yadav. The alleged date of occurrence is 05.07.2020 and the case was instituted on 13.07.2020. Delay has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner No.1 is named in the complaint case/F.I.R.



Considering the facts and circumstances of the case, the petitioner No.1, 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 learned Chief Judicial Magistrate, Saharsa in connection with Mahishi P.S. case No.114/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner No.1 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)

Narendra/-

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