

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2035 of 2022

Arising Out of PS. Case No.-641 Year-2021 Thana- MAHUA District- Vaishali

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HAPPY YADAV @ ASHISH KUMAR Son of Baskit Singh @ Baskit Kumar
Resident of Village - Mahua Mukundpur, Near Mangru Chowk, P.s.- Mahua,
Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arjun Prasad, Adv.
For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner undertakes to remove
the defects within three weeks. In the eventuality of non-
removal of defects within undertaken period, the office will
place the matter before the Bench.

The petitioner apprehends his arrest in a case registered
for the offence punishable under Sections 147, 148, 149, 341,
307, 504 of the IPC and 27 of the Arms Act.

Allegedly, all the F.I.R. named accused persons
including the petitioner, armed with deadly weapons
surrounded the informant and his friend inside the fair and



started abusing them. They started scuffle, then the informant and his friend fled from there and reached at Gandhi Chowk, but the aforesaid persons reached there on three motorcycles, caught hold of the informant and with an intent to kill open fire by pistol, informant fell down on the ground and also twitch to Tushar Kumar (friend of informant) and made abortive attempt. They threatened them with dire consequences. One empty cartridge has been recovered from the spot.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is that he fired upon the informant but the same could not hit the informant. No injury has been sustained by any person. Petitioner has no criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, since no injury has been sustained by the informant or his friend, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, on furnishing
bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with
two sureties of the like amount each to the satisfaction of the
learned court below where the case is pending/Successor Court
in connection with Mahua P.S. Case No.641 of 2021, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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