

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25694 of 2021

Arising Out of PS. Case No.-375 Year-2019 Thana- JAGDISHPUR District- Bhojpur

1. Munna @ Jawahar Yadav @ Munna Kumar Singh Son of Shiv Nath Yadav @ Shiv Nath Singh Resident of Village - Leela Tola @ Lila Tola, P.S.- Jagdishpur, Distt.- Bhojpur.
2. Mukesh Yadav @ Mukesh Kumar Singh Son of Shiv Nath Yadav @ Shiv Nath Singh Resident of Village - Leela Tola @ Lila Tola, P.S.- Jagdishpur, Distt.- Bhojpur.
3. Ranjan Yadav @ R.K. Yadav Son of Bishwanath Singh Resident of Village - Raksha Nagar, P.S.- Barhampur, Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Md. Ataul Haque, Adv.
For the State/s	:	Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 12-04-2022 For the reason of this case not having been taken up even once after its filing for about a year, priority hearing has been accorded.

Heard Md. Ataul Haque, learned advocate for the petitioners and Md. Aslam Ansari, learned Additional Public Prosecutor representing the State.

The petitioners seek bail in anticipation of their arrest in connection with Jagdishpur P.S. Case No. 375 of 2019 dated 25.12.2019 instituted for the offences under Sections 307 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

So far as the accusation of firing is concerned, it is



specifically on petitioner no.2.

After some arguments, learned advocate for the petitioners seeks permission to withdraw the application with respect to petitioner no.2 in order to enable him to surrender before the court below and seek bail.

The prayer for grant of anticipatory bail to the petitioner no.2 is thus dismissed as withdrawn with a liberty to him to approach the court below and seek bail.

Should such an application be filed, that shall be considered by the court below on its own merits without being prejudiced by the fact that this petition on his behalf has not been entertained by this Court.

So far as petitioner nos. 1 & 3 are concerned, there is no specific accusation against them. The miscreants including the petitioners are alleged to have asked for the address of somebody from the Informant and when that was not given, an attempt was made to scare him in which course, petitioner no.2 is said to have fired which hit the Informant.

Considering the facts that the petitioner nos. 1 & 3 are not alleged to have done anything except being the members of the mob, they are directed to be released on bail, in the event of their arrest or surrender before the court below



within a period of four weeks from the date of receipt/production of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur in connection with Jagdishpur P.S. Case No. 375 of 2019, subject to the conditions as laid down under Section 438(2) Cr.P.C.

While saying so, this Court has also taken note of the fact that they do not have criminal antecedent.

(Ashutosh Kumar, J)

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