

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25716 of 2021

Arising Out of PS. Case No.-232 Year-2020 Thana- NARPATGANJ District- Araria

1. Bindeshwari Bahardar Son Of Late Ram Kishun Bahardar R/O Village- Gorraha Bishanpur, P.S.- Narpatganj, Dist.- Araria
2. Lalo @ Lalo Bahardar Son Of Gayanand Bahardar R/O Village- Gorraha Bishanpur, P.S.- Narpatganj, Dist.- Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr.APP

Mr. Gopal Kr. Jha, Adv.

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 21-01-2022 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

Heard learned counsel for the petitioners and learned APP for the State.

Learned counsel for the petitioners is expected to honour his undertaking to remove the defects as pointed out by the office when called upon to do so by the office.

The instant application for anticipatory bail has been filed by the petitioners apprehending their arrest in connection with Narpatganj P.S. Case no. 232 of 2020 instituted for the offence under Sections 302, 379/34 of the Indian Penal Code and section 27 of the Arms Act.

As per allegation in the FIR, one of the accused persons, namely, Vijay Bahardar has shot fire at the son of the



informant resulting into his death. Co-accused has taken the name of the petitioner in the present case.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Both are not named in the FIR. Specific allegation of firing shot is against co-accused Vijay Bahardar. Allegation of giving repeated lathi blow is against co-accused Pramod Mandal and Sarvesh Yadav. They have got no criminal antecedent. The name of the petitioners have been disclosed in this case by the co-accused, namely, Sarvesh Yadav, which has no evidentiary value in the eye of law. One of the similarly situated co-accused, namely, Sudhir has already been granted bail by this Court vide order dated 14.12.2021 passed in Cr. Misc. No. 18363 of 2021.

Learned APP appearing for the State has opposed the prayer of Bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest or surrender in connection with Narpatganj P.S. Case no. 232 of



2020, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-VI, Araria subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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