

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27044 of 2021

Arising Out of PS. Case No.-93 Year-2020 Thana- CHANDRADIP District- Jamui

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MUKESH YADAV @ LAMBU Son of Balmukund Yadav Resident of
Village- Jhamhan, P.S.- Sono (Charkapathar), District- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 01-02-2022 Heard learned counsel for the parties through virtual
court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects within four weeks of normal court
proceedings. 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 Chandradeep
P.S. Case No.93 of 2020, registered for the offences punishable
under Sections 147, 148, 149, 302 of the Indian Penal Code,
Section 27 of the Arms Act as well as under Sections 3/4 of
Explosive Substance Act.

The prosecution case, in brief, is that on 30.06.2020 at
about 5.50 A.M., the brother of the informant Rajesh Prasad



Yadav @ Gujar Yadav was going to new residential house from old residential house and when he reached near a temple, Chhotu Yadav opened fire upon Rajesh Prasad Yadav @ Gujar Yadav and bullet hit over the hand of Rajesh Yadav and on his cry, the informant went there and saw that Lobendra Yadav threw bomb over his brother Rajesh Prasad Yadav which hit over head of his brother and due to which, he died at the spot and thereafter the accused persons fled away.

Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that the petitioner is not named in the FIR. On the basis of confessional statement of co-accused, the petitioner has been made accused in this case. The specific allegation is against Chhotu Yadav and Lobendra Yadav. It is also submitted that the petitioner has got no criminal antecedent as stated in para 3 of the bail application. Similarly situated other co-accused persons have already been enlarged on anticipatory bail vide order passed in Cr. Misc. No.3670 of 2021.

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

Taking into consideration the facts aforesaid, let



petitioner, above named, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, be enlarged on bail on furnishing bail bond of Rs.25,000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-I, Jamui in connection with Chandradeep P.S. Case No.93 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J.)

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