

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31154 of 2021

Arising Out of PS. Case No.-113 Year-2020 Thana- CHANDRADIP District- Jamui

PUKARI YADAV SON OF CHUNARIK YADAV R/O VILLAGE- ISLAM
NAGAR, P.S.- CHANDARDEEP, DISTRICT- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suresh Singh, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 20-01-2022 Heard learned counsel for the petitioner and learned APP
for the State through virtual court proceedings.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case in connection with Chandardeep P.S. Case No.113 of 2020, registered for the offence punishable under Sections 341, 307, 34 of the Indian Penal Code and section 27 of the Arms Act.

The allegation against the petitioner is that he along with other accused persons armed with deadly weapons, surrounded the informant and Babalu Yadav shot fire upon him, which hit his stomach. Thereafter, the informant tried to run, then one



Binod Yadav shot fire, which hit in left in left thigh of the informant and he fell down. It is alleged that the petitioner and other accused dragged the informant but the villagers and family members reached there and the accused persons fled away.

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 due to previous enmity. No such occurrence as alleged ever took place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation of firing is upon the co-accused Bablu Yadav and Binod Yadav. There is an inordinate delay of seven days in lodging the FIR, as the occurrence took place on 12.08.2020 and FIR lodged on 19.09.2020 without any explanation regarding the said delay, which itself creates doubt about the prosecution case. Petitioner has no criminal antecedent, as also mentioned in para-3 of this application.

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

Having regard to the facts and circumstances of the case, since there is no specific allegation against the petitioner, 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 Chandardeep P.S. Case No.113 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

pallavi/-

U		T	
---	--	---	--

