

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33969 of 2021

Arising Out of PS. Case No.-368 Year-2020 Thana- MURLIGANJ District- Madhepura

1. Nawal Kishore Yadav, aged about 34 years, male, Son of Shashinath Yadav.
 2. Mukesh Yadav @ Mukesh Kumar Yadav, aged about 28 years, male, Son of Krishna Kumar Yadav.
- Both R/o Village-Haribola, P.S.-Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Chand Prasad, Adv.
For the Informant	:	Mr. Surya Narayan Yadav, Adv.
For the State	:	Ms. Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 18-02-2022 Heard the counsel for the parties.

The petitioners seek bail in anticipation of their arrest in connection with Murliganj P.S. Case No. 368 of 2020, dated 26.11.2020, instituted for the offences under Sections 341, 323, 307, 379 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Though both the petitioners have been named in the F.I.R. but so far as specific accusation of firing upon the victim leading to grievous injury is concerned, it is not on petitioner No. 2. The petitioner No. 1 along with others is



said to have fired hitting the leg of the victim.

However, as noted above, the aforesaid injury has been found to be grievous in nature.

The petitioners are stated to be agnates and directly related to the informant and others.

It has thus been urged on behalf of the petitioners that because of the previous dispute amongst the family members, all the accused persons, falling in one group, have been made accused in this case.

However, this Court finds that petitioner No. 1 was earlier made accused in two cases of similar nature. He is also alleged to have opened fire with other associates leading to grievous injury to the victim.

In that view of the matter, I am not inclined to grant anticipatory bail to petitioner No. 1.

The prayer for grant of anticipatory bail to petitioner No. 1, namely, Nawal Kishore Yadav is, accordingly, rejected.

However, if he surrenders before the Court below and seeks bail, the Court below shall consider the case on its



own merits, without being prejudiced by the fact that the present anticipatory bail application on his behalf has not been entertained by this Court.

So far as petitioner No. 2, namely, Mukesh Yadav @ Mukesh Kumar Yadav is concerned, taking into account that he does not bear any criminal antecedent and is not specifically alleged to have opened fire at the victim and he being the relative/agnate of the informant, he, in the event of his arrest or surrender before the learned Court below within a period of four weeks, is directed to be released on bail on his furnishing bail-bond in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Chief Judicial Magistrate-II, Madhepura in connection with Murliganj P.S. Case No. 368 of 2020, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands disposed off accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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