

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28795 of 2022

Arising Out of PS. Case No.-504 Year-2018 Thana- SHEKHPURA District- Sheikhpura

1. CHAMRU YADAV Son of Late Rameshwar Yadav Resident of Village - Pathlafar , P.S.- and Distt.- Sheikhpura.
2. Masudan Yadav Son of Sidheshwar Yadav Resident of Village - Pathlafar , P.S.- and Distt.- Sheikhpura.
3. Nitay Yadav Son of Kapil Yadav Resident of Village - Pathlafar , P.S.- and Distt.- Sheikhpura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh, Adv.
For the Opposite Party/s : Mr.Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Learned counsel for the petitioners 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 petitioners apprehend their arrest in a case registered for the offence punishable under Sections 147, 148, 149, 323, 324, 307, 429 of the IPC and 27 of the Arms Act.

The prosecution case is that all the F.I.R. named accused persons including the petitioners opened indiscriminate firing



from their country made rifle and pistol unanimously upon the informant with a common intention to kill him, due to which informant sustained firearm injury and calf of one Raj Kumar has been killed.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. Petitioners have one criminal antecedent. The allegation leveled against the petitioners is not specific rather general and omnibus in nature. The specific allegation is against co-accused Ramashish Yadav to fire upon the informant causing injury on his knee. As far as petitioners are concerned, no specific injury is attributed against them. Similarly situated co-accused namely Sudhir Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 04.12.2018 passed in Cr. Misc. No.72192 of 2018.

Learned APP for the State opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering that the similarly situated co-accused has been enlarged on anticipatory bail, let the above named petitioners, be released on bail, in the event of their 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) each 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 Sheikhpura P.S. Case No.504 of 2018, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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