

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19093 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- LAXMIPUR District- Jamui

PANKAJ YADAV Son of Heman Yadav Resident of Village - Magahi, P.S. -
Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 33382 of 2022

Arising Out of PS. Case No.-322 Year-2021 Thana- LAXMIPUR District- Jamui

BYAS YADAV SON OF MISHRI YADAV R/O VILLAGE- MAGAHI, P.S.-
LAXMIPUR, DISTRICT- JAMUI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 19093 of 2022)

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shailesh Kumar Singh

Mr. Rajnish Ranjan

Mr. Yogendra Kumar Singh

(In CRIMINAL MISCELLANEOUS No. 33382 of 2022)

For the Petitioner/s : Mr. Pankaj Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Shailesh Kumar Singh

Mr. Rajnish Ranjan

Mr. Yogendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-09-2022

CRIMINAL MISCELLANEOUS No.19093 of 2022

Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 324, 325 and 307 of the Indian Penal Code read
with Section 27 of the Arms Act.



Learned counsel for the petitioner submits that the petitioner has antecedent of one case and the informant alleges that she saw Bablu, Gulabi and Vijay opened fire on her husband, it is further alleged that on account of indiscriminate firing by Bablu and Vijay, her husband fell down.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegations as alleged in the FIR it would manifest that the wife of victim alleges that it was Gulabi, Vijay and Bablu who opened fire and then she alleges that it was on account of indiscriminate firing made by Bablu and Vijay that her husband got injured, as such no specific overt act has been alleged against the petitioner.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the victim received nine firearm injuries and he was admitted in Paras Hospital for two months and after recovering he had given a written application to the police which forms part of paragraph '11' of the case diary wherein he has specifically alleged that this petitioner also fired causing injury, learned counsel thus submits that when the injured himself is alleging that this



petitioner also fired at him then definitely the credibility of his statement as a witness is most important.

Considering the submissions made by the learned counsel for the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for bail is thus rejected.

CRIMINAL MISCELLANEOUS No.33382 of 2022

Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 325 and 307 of the Indian Penal Code read with Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner is a person with clean antecedent and the informant alleges that she saw Bablu, Gulabi and Vijay opened fire on her husband, it is further alleged that on account of indiscriminate firing by Bablu and Vijay, her husband fell down.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from perusal of the allegations as alleged in the FIR it would manifest that the wife of victim alleges that it was Gulabi, Vijay and Bablu who opened fire and then she alleges that it was on



account of indiscriminate firing made by Bablu and Vijay that her husband got injured, as such no specific overt act has been alleged against the petitioner.

Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner. Learned counsel for the informant submits that the victim received nine firearm injuries and he was admitted in Paras Hospital for two months and after recovering he had given a written application to the police which forms part of paragraph '11' of the case diary wherein he has specifically alleged that this petitioner also fired causing injury, learned counsel thus submits that when the injured himself is alleging that this petitioner also fired at him then definitely the credibility of his statement as a witness is most important.

Considering the submissions made by the learned counsel for the informant, the Court is not inclined to extend the privilege of anticipatory bail to the petitioner. His prayer for bail is thus rejected.

(Satyavrat Verma, J)

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