

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34772 of 2022

Arising Out of PS. Case No.-439 Year-2021 Thana- MANJHI District- Saran

1. Laxaman Yadav Son of Satyadeo Yadav Resident of Village - Mubarakpur, Police Station- Manjhi, District - Saran.
2. Arvind Yadav @ Arvind Kumar @ Bhuteli Son of laxman yadav Resident of Village - Mubarakpur, Police Station- Manjhi, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh

For the Opposite Party/s : Mr.Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-09-2022 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 307/34 of the Indian Penal Code and section 27 of the Arms Act. Later on, section 302 IPC was added.

As per the FIR, on the alleged date and time of occurrence while the father of informant was sleeping at his Poultry Farm, six named accused persons including petitioners having variously armed came there and asked from informant's father about whereabouts of the informant. It is further alleged that petitioner no. 2 fired upon the father of informant, as a



result of which he died.

It is submitted that petitioners have been falsely implicated in this case. There is no eye-witness of the occurrence. The police after investigation found the petitioners innocent and submitted final report, but the learned court below differing with the same took cognizance against them. Petitioners claim clean antecedents.

Counsel for State however vehemently opposed the prayer for bail and submitted that there is specific and direct allegation against petitioner no. 2 that it was he who fired upon the father of informant causing his death and petitioner no. 1 was also present there.

Considering the fact that no specific overt act has been alleged against Laxaman Yadav petitioner no. 1 and claims clean antecedent, Laxaman Yadav petitioner no. 1 in the event of his arrest/surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate XIII, Chapra in connection with Manjhi P.S. Case No. 439 of 2021, subject to the conditions as laid down



under Section 438(2) of the Code of Criminal Procedure.

So far as the case of Arvind Yadav @ Arvind Kumar @ Bhuteli petitioner no. 2 is concerned, there is direct and specific allegation against him of firing upon the father of informant causing his death, therefore, I am not inclined to enlarge him on anticipatory bail.

Accordingly, the anticipatory bail application of petitioner no. 2 is dismissed.

(Prabhat Kumar Singh, J)

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