

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45456 of 2021

Arising Out of PS. Case No.-298 Year-2020 Thana- BARHARA KOTHI District- Purnia

1. RAM RANJAN YADAV S/o KIRTI NARAYAN YADAV R/o VILLAGE-DIBARDHANI, P.S-BARAHARA, DISTRICT-PURNIA.
2. OMPRAKASH YADAV @ JAY PRAKASH YADAV S/o JAGAT YADAV R/o VILLAGE-LATRAHA, P.S-BARAHARA, DISTRICT-PURNIA.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 47598 of 2021

Arising Out of PS. Case No.-298 Year-2020 Thana- BARHARA KOTHI District- Purnia

SANTOSH KUMAR @ SANTOSH YADAV Son of Om Prakash Yadav @ Jai Prakash Yadav Resident of Village Lata Raha Police Station - Barhara Kothi, District - Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 45456 of 2021)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Vikram Singh, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

(In CRIMINAL MISCELLANEOUS No. 47598 of 2021)

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Vikram Singh, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 26-04-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with



Barhara P.S. Case No. 298 of 2020, registered for the offences punishable under Sections 147, 148, 149, 341, 323, 324, 307, 504 of the Indian Penal Code and 27 Arms Act.

As per allegation, the accused persons including the petitioners were fishing from a pond situated near devsthan. When the informant protested they badly assaulted him. As per allegation, petitioner Santosh Kumar caught him and co-accused Dhiraj Kumar fired shot on his person.

Learned counsel for the petitioners has submitted that there was previous enmity between the parties and the petitioners side has already filed an informatory petition against the informant side in the year 2019. He has also submitted that injuries sustained by the informant are simple in nature. The main allegation of commit fire shot is on co-accused Dhiraj Kumar who has been granted regular bail.

There is specific allegation against Dhiraj Kumar that he opened fire on the person of the informant who has been granted regular bail by the coordinate Bench of this Court. The allegation against petitioner Santosh Kumar is that he caught hold the injured Rakesh Yadav. Although, the injuries on his person were found simple in nature but those injuries have been found caused by firearm.

Petitioner Santosh Kumar @ Santosh Yadav does not deserve the privilege of anticipatory bail. Accordingly, his prayer for



anticipatory bail is hereby **rejected**.

If he surrenders before the court below his prayer shall be considered on its own merit as well as the learned court below may take notice of the fact that the main accused against whom the allegation of opening fire on the person of the informant was attributed has been granted regular bail by the coordinate Bench of this Court.

So far as petitioners Ram Ranjan Yadav and Omprakash Yadav @ Jay Prakash Yadav are concerned there is no specific allegation against him to assault the informant.

As such, let the petitioners Ram Ranjan Yadav and Omprakash Yadav, in the event of their arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, first class, Purnea in connection with Barhara P.S. Case No. 298 of 2020, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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