

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59120 of 2021

Arising Out of PS. Case No.-39 Year-2019 Thana- CHAUSA District- Madhepura

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ABHINAV KUMAR @ KANHAIYA YADAV S/o- Prakash Yadav @
Jayprakash Yadav Resident of Village - Shair, P.S. Gogri, District - Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nafisuzzoha, Adv.

For the Opposite Party/s : Mrs.Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 06-07-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Learned counsel for the petitioner 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 petitioner apprehends his arrest in a case registered for the offence punishable under Sections 279, 337, 338, 307, 504, 506 of the IPC and 27 of the Arms Act.

The allegation against the FIR named accused persons including the petitioner is that they assemble near the house of the informant and were firing shots. It is further alleged that co-accused Awadhesh Yadav fired a shot on the informant, which he missed, whereafter the accused persons, with an intent to kill



him, dashed their motorcycle with the informant.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. The specific allegation is against the co-accused Awadhesh Yadav. The alleged motorcycle and car does not belongs to the petitioner. No person has received any fire arm injury. Petitioner has no criminal antecedent and similarly situated co-accused namely Guddu Yadav @ Guddu Kumar and Kundan Yadav @ Kundan Kumar have been enlarged on anticipatory bail by a co-ordinate Bench of this court vide order dated 05.09.2019, passed in Cr. Misc. No.56147 of 2019.

Learned APP for the State opposed the prayer for anticipatory bail.

Having regard to the facts and circumstances of the case, considering that the similarly situated co-accused have been enlarged on bail, let the above named petitioner, be released on bail, in the event of his 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) 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 Chausa P.S. Case No.39/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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