

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55679 of 2022

Arising Out of PS. Case No.-74 Year-2015 Thana- BODHGAYA District- Gaya

1. BABLOO KUMAR @ BABLOO YADAV S/O LATE CHANDAR YADAV
RESIDENT OF VILLAGE- HARLI KHURD, P.S.- BODH GAYA,
DISTRICT- GAYA
2. RAM PRASAD YADAV @ PRASAD YADAV S/O NANHU YADAV
RESIDENT OF VILLAGE- HARLI KHURD, P.S.- BODH GAYA,
DISTRICT- GAYA
3. LAKHAN YADAV @ RAM LAKHAN YADAV S/O KARAN YADAV
RESIDENT OF VILLAGE- HARLI KHURD, P.S.- BODH GAYA,
DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kunwar Narayan Jamuar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 12-12-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 324, 326, 307 and 506 of the Indian Penal Code.

Learned counsel for the petitioners submits that the petitioners are persons with clean antecedent and the informant alleges that ten accused persons, including the petitioners, came and resorted to indiscriminate firing, further Shankar fired causing injury on arm of the informant, thereafter Arbind fired



causing injury near eye of Mina and Vijay fired causing injury on neck, armpit and forehead of Anandi, it is next alleged that Ram Chandra and Bablu (petitioner no.1) fired hitting Raja and Sumant respectively and petitioner no.3 fired hitting Arun.

Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case, it is next submitted that though the case is of 2015, but then petitioners were not aware of the pendency of the case, it is also submitted that no proceeding under Section 82 Cr.P.C. was resorted to, learned counsel for the petitioners further submits that when the petitioners came to know about the institution of the present FIR they approached the informant asking him as to why he has falsely implicated them, it is next submitted that thereafter a compromise was entered in between the parties in the year 2021, as would be evident from Annexure-2 to the anticipatory bail application, it is next submitted that falsity of the allegation also manifest from the fact that though there is allegation of indiscriminate firing causing injury to several persons as aforesaid, but then no fire-arm injury has been caused to anyone, nor there is any fir-arm injury report in the case diary.

Learned A.P.P. for the State opposes the prayer for



anticipatory bail of the petitioners and submits that the case is of the year 2015 and the petitioners have approached this Court in the year 2022.

The learned counsel for the petitioners rebuts the submissions of the learned APP and submits as aforesaid petitioners will completely unaware that any such case has been instituted against them nor they received any summon warrant or the prosecution resorted to proceeding under Section 82 Cr.P.C, it is also submitted, at the cost of repetition, the petitioners have been falsely implicated in the present case when admittedly there is no injury report on record in the case diary.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned trial court within a period of six weeks from today, be released on **provisional bail** on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Bodhgaya P.S. Case No. 74 of 2015 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.



The learned trial court before confirming the provisional bail of the petitioners shall verify from the case diary whether any fire-arm injury has been caused to any of the persons as alleged in the FIR or not and, in the event, if it is found that any person was injured by fire-arm, then the provisional bail granted to the petitioners shall not be confirmed and the petitioners shall be taken into custody.

(Satyavrat Verma, J)

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