

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1740 of 2022

Arising Out of PS. Case No.-351 Year-2020 Thana- NAUGACHIA District- Bhagalpur

1. DHEERAJ KUMAR @ DHEERAJ KUMAR YADAV Son of - Guljari Yadav Resident of Village - Dhobinia, P.S. - Naugachhia, District - Bhagalpur.
2. Nitish Kumar @ Nitish Kumar Yadav Son of - Murari Yadav Resident of Village - Dhobinia, P.S. - Naugachhia, District - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Yadav, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 08-08-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Learned counsel for the petitioners, at the outset,
seeks permission to withdraw the present anticipatory bail
application with respect to petitioner no.2.

Permission is accorded.

The petitioner no.1 apprehends his arrest in a case
registered for the offences punishable under Sections 341, 323,
447, 379, 307, 504, 506 and 34 of the Indian Penal Code read
with Sections 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 on orders of Guljari Yadav, the petitioner fired at the informant but the informant managed to save himself and thereafter it is alleged that Guljari Yadav assaulted the informant by an iron rod causing injury due to which he became unconscious.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case, it is next submitted that it absolutely does not stand to reason that if the petitioner had any intention to fire at the informant then he had an opportunity as in the FIR it is alleged that on account of assault made by Guljari Yadav, the informant fell unconscious but still the petitioner did not fire at him which amply demonstrates that the allegation is ornamental in nature.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioner, the petitioner no.1, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees 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 Naugachhia P.S. Case No. 351 of 2020
subject to the conditions as laid down under Section 438 (2) of
the Cr.P.C.

(Satyavrat Verma, J)

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