

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.688 of 2022

Arising Out of PS. Case No.-133 Year-2020 Thana- BASANHI District- Saharsa

VIKASH RAJ @ VIKASH YADAV Son of Late Ashok Yadav Alias Alok Kumar Yadav Resident of Village-Mariya, Ward No.-04, P.S.-Basnahi, District-Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Durgesh Kumar, Advocate
For the Opposite Party/s : Mr.Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 354, 384, 379, 504, 506 and 34 of the Indian Penal Code read with Section 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 while he along with Arvind Kumar was ploughing their field with tractor, the accused persons, including the petitioner, armed with rifles came and stopped the tractor driver and asked to pay Rs. 10 lakhs as ransom. Thereafter it is alleged that Sanoj Yadav pointed gun at informant's brother and



snatched Rs. 5,000/- from his pocket, thereafter Anoj Yadav fired causing injury on head of the driver who fell down. Thereafter it is alleged that Sanoj, Birbal and the petitioner assaulted the driver with rifle's butt fracturing both his hands and further snatched gold earrings from the mother of the informant and Anoj yadav also assaulted the mother of the informant with kicks and fist and tore her clothes.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from bare perusal of the allegation as alleged in the F.I.R. it would manifest that specific allegation of firing is against Anoj Yadav and the petitioner along with two other accused is alleged to have assaulted the driver of the tractor with rifle butt. Learned counsel further draws the attention of the Court to the impugned order to submit that it has been recorded that doctors have found the injury to be simple and at the same time no firearm injury over the person of the victim has been found. Learned counsel thus submits that when injuries are simple and no firearm injury has been found as recorded in the impugned order that clearly explains the falsity of the allegation.

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



Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, 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 Basnahi P.S. Case No. 133 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

The learned trial court shall verify whether the injured had received firearm injuries or not. In the event, if it is found that the victim suffered firearm injuries then in that event the present order shall not be acted upon.

(Satyavrat Verma, J)

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