

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13085 of 2023**

Arising Out of PS. Case No.-468 Year-2021 Thana- SAUR BAZAR District- Saharsa

BISHAL KUMAR @ BISHAL YADAV S/O Sri Kant Yadav R/O Village-
Bhelwa, P.S- Sour Bazar, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nand Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 23-05-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Sour Bazar P.S. Case No. 468 of 2021, registered for the offence punishable under Sections 337, 338, 279, 341, 342, 307, 504/34 of the Indian Penal Code and Section 27 of the Arms Act.

The accused persons, on the alleged date and time of occurrence, are alleged to be travelling on six motorcycles, while the said motorcycles were being driven in a negligent manner, whereafter the co-accused person, namely, Golu Yadav had hit one Jata Shankar Yadav, while he was sitting to defecate, with the motorcycle, he was driving. Thereafter, it is alleged that the villagers had arrived there, however, the accused persons



had fired in the air, whereafter, they had fled away.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that a general and omnibus allegation has been levelled against the accused persons and as far as the petitioner is concerned, he is not alleged to have engaged in any specific overt act, much less having dashed motorcycle with the said Jata Shankar Yadav.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that the petitioner is neither alleged to have engaged in any sort of specific overt act nor has hit anyone by his motorcycle, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, on furnishing bail



bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Saharsa in connection with Sour Bazar P.S.Case No. 468 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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