

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17918 of 2023

Arising Out of PS. Case No.-111 Year-2020 Thana- ALOULI District- Khagaria

PRABHASH YADAV @ PRABHASH KUMAR Son Of Kailash Yadav R/O
Village- Sahsi, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 31-05-2023 Heard Mr. Santosh Kumar Singh, learned counsel for
the petitioner and Mr. Vinod Shanker Modi, learned Additional
Public Prosecutor appearing for the State.

Petitioner apprehends his arrest in connection with
Alauli P.S. Case No. 111 of 2020 dated 29.03.2020 registered
for the offences punishable under Sections 147, 148, 341, 385,
387, 307, 504, 506 of the Indian Penal Code and Section 27 of
the Arms Act.

As per the allegation made in the FIR, on 27.03.2022,
when the informant was going to the market along with his staff,
in the meantime, the accused persons including the petitioner
accosted them and one Pankaj Yadav, demanded extortion
money of Rs. 5,00,000/-. Upon objection being made by the
informant, Pankaj Yadav, fired upon the staff of the informant



namely, Manish Singh which hit near his neck and one Raj Kumar Yadav while retreating, fired in the air along with the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case on the basis of concocted story. The petitioner has got no criminal antecedent and only allegation against him is that while retreating, the petitioner along with Raj Kumar Yadav, opened fire in the air. Nobody sustained injury due to the firing made by the petitioner and similarly situated co-accused person namely, Raj Kumar Yadav has been granted anticipatory bail by co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 5348 of 2022 and another co-accused Md. Rabban has also been granted anticipatory bail by co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 57329 of 2021.

Regards being had to the submission made by the parties and taking into consideration the nature of allegation, the fact that the petitioner has got no criminal antecedent and similarly situated co-accused persons have been granted bail, I am inclined to grant anticipatory bail to the petitioner.

This application is accordingly allowed.

Accordingly, in the event of arrest or surrender before



the Court below within six weeks from today, the petitioner, above named, shall be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Khagaria, in connection with Alauli P.S. Case No. 111 of 2020, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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