

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.16880 of 2023**

Arising Out of PS. Case No.-365 Year-2019 Thana- PHULPARAS District- Madhubani

1. Mahendra Yadav @ Mahendra Prasad Yadav Son of Sundar Lal Yadav Resident of village - Kishanipatti, P.S.- Phulparas, District - Madhubani.
2. Muni Lal Yadav @ Ram Sharan Yadav @ Ram Sharan Kumar Son of Ras Lal Yadav Resident of village - Kishanipatti, P.S.- Phulparas, District - Madhubani.
3. Sundar Lal Yadav Son of Laldhari Yadav Resident of village - Kishanipatti, P.S.- Phulparas, District - Madhubani.
4. Yogendra Yadav @ Yogendra Prasad Yadav Son of Sundar Lal Yadav Resident of village - Kishanipatti, P.S.- Phulparas, District - Madhubani.
5. Shailendra Yadav @ Rajesh Kumar Yadav @ Khelanand Yadav Son of Sundar Lal Yadav Resident of village - Kishanipatti, P.S.- Phulparas, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr.Prem Kumar Jha, APP

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

ORAL ORDER

2      24-05-2023                      Heard the learned counsel for the petitioners and learned APP for the State.

This is an application for grant of anticipatory bail in connection with Phulparas P.S. Case No.365 of 2019, registered for offences under Sections 447, 448, 341, 323, 380, 427, 504, and 34



of the IPC and 25(1-b)a, 26 and 27 of the Arms Act.

The allegation is regarding the accused persons having arrived at the house of the informant, whereafter they had entered inside the said house and thereafter the co-accused person, namely, Lal Mohan Yadav had fired from his country made pistol. It is also alleged that the accused persons had then damaged the cattle feeding hood and other articles and snatched a sum of Rs.25,000/-, ornaments, etc. from the members of the prosecution party.

The learned counsel for the petitioners has submitted that the petitioners are innocent, they have been falsely implicated in the present case and they are having a clean antecedent. The learned counsel for the petitioners has further submitted that present case arises out of case and counter case and as far as the petitioners are concerned, they have not been alleged to have engaged in any specific overt act qua the members of the prosecution party.

*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 parties and taking into account the materials available on record as also considering the fact that the petitioners are not alleged to have assaulted either the informant or his family members and moreover they are having a clean antecedent, I deem it fit and proper to admit the petitioners to the privilege of anticipatory bail.

Accordingly, the above named petitioners are directed to be enlarged on anticipatory bail, in the event of their arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned ACJM-II, Jhanjharpur, District-Madhubani in connection with Phulparas P.S. Case No.365 of 2019, subject to the conditions as laid down under



Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

Kanchan/Saurav

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