

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20946 of 2023

Arising Out of PS. Case No.-237 Year-2022 Thana- RAFIGANJ District- Aurangabad

1. Ramadhar Yadav @ Ramaghar Yadav @ Ramadhar Singh, S/O Dudheshwar Yadav Resident Of Village- Dalbigha, P.S.- Rafiganj, District- Aurangabad.
2. Arun Yadav @ Arun Kumar Yadav, S/O Ram Prasad Yadav @ Ram Pravesh Yadav Resident Of Village- Dalbigha, P.S.- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 27-06-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek bail in anticipation of their arrest in a case registered for the offences punishable under Sections 307, 379, 147, 148, 149, 452, 458 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioners submits that the petitioner no.1 has antecedent of two cases and petitioner no.2 has antecedent of one case and the F.I.R. was instituted against unknown and the informant alleges that on 27.06.2022 in the night when he along with his family members and staff were sleeping in the mill, he heard a noise and saw that 15-20



armed criminals forcibly entered his mill and assaulted his staff members and looted Rs.10,000/- cash kept in a box along with a mobile set and even fired causing gunshot injuries to staff members.

The learned counsel for the petitioners submits that the F.I.R. was against unknown and the name of the petitioners transpired in the confessional statement of Manish Kumar in police custody which does not have any evidentiary value. It is next submitted that petitioners came to be implicated merely because they have antecedents.

Learned A.P.P. opposes the bail application and submits that allegation is of firing and also causing gunshot injuries.

The learned counsel for the petitioners rebuts the submission of learned Additional P. P. and submits that though it has been alleged that some persons suffered gunshot injuries, but then no gunshot injury is on record which falsifies the allegation of firing.

Considering the submissions made by the learned counsel for the petitioners, the petitioners, above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks, are directed to be released on bail



on their furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad in connection with Rafiganj P. S. Case No.237 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

However, the learned trial Court before accepting the bail bonds of the petitioners shall verify whether any person suffered gunshot injury or not. In the event, if there is any gunshot injury on record, then in that event, the present anticipatory bail order shall not be given effect to.

(Satyavrat Verma, J)

vikash/-

U		T	
---	--	---	--

