

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28352 of 2023

Arising Out of PS. Case No.-139 Year-2019 Thana- JOGAPATTI District- West Champaran

1. Hariom Kumar @ Hariom Yadav, Son of Late Harikesh Yadav, Resident of Village Siswa Bairagi, PS- Yogapatti (Nawalpur), Distt- West Champaran.
2. Sangeeta Devi @ Sangeeta Kumari, Daughter of Late Harikesh Yadav, W/o Late Munna Yadav, Resident of Village- Siswa Bairagi, PS Yogapatti (Nawalpur), Distt- West Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioners and learned APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Yogapatti (Nawalpur) P.S. Case No. 139 of 2019 registered for the offence punishable under Sections 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. They have got no criminal antecedent.

3. As per the prosecution story, on 04.04.2019 at about 08:00 A.M. when the informant was in his house, one Surendra @ Suraj Ram came at his house and asked him to go to Nawalpur urgently with him. At 01:00 P.M. When the informant reached near Chunwaha bridge, he saw that three FIR named accused persons including the petitioner no. 1 were standing. In the meanwhile, Pramod Kumar, Anil Yadav and Hariom Yadav (Petitioner No. 1)



started firing upon him with intention to kill. After hearing the sound of firing, the people from nearby village came and the accused persons fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioner no. 2 has lodged one Yogapatti (Nawalpur) P.S. Case No. 363 of 2017 against the informant of the present case and he has been charge-sheeted in the said case.

5. Learned APP for the State has opposed the anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein there is a specific allegation that Hariom Kumar (Petitioner No. 1) is one of the accused who had fired upon the informant, this Court is not inclined to grant privilege of pre-arrest bail to the petitioner no. 1.

7. So far as petitioner no. 2 is concerned, it is submitted that she has been falsely implicated in this case, no overt act has been alleged against her and she is the informant of Yogapatti (Nawalpur) P.S. Case No. 363 of 2017 against the present informant who has been charge-sheeted in the said case and for this reason, the petitioner no. 2 has been falsely implicated, this Court directs that in case of her arrest or surrender within a period



of four weeks from today, the petitioner no. 2 shall be released on bail in connection with Yogapatti (Nawalpur) P.S. Case No. 139 of 2019 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Bettiah, District- West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

8. And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

9. In case, the petitioner no. 1 surrenders and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this Court and keeping in view that he was not sent up for trial.

10. This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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