

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44314 of 2023

Arising Out of PS. Case No.-82 Year-2021 Thana- JAMALPUR District- Darbhanga

1. KOMAL YADAV @ KOMAL KUMAR Son of Dinesh Yadav Resident of village - Ashykedli, P.S. - Navhatta, Distt. - Saharsa
2. Vinshundev Yadav @ Vishnu Dev Yadav Son of Late Luthar Yadav @ Ludhar Yadav Resident of village - Ashykedli, P.S. - Navhatta, Distt. - Saharsa
3. Prashant Yadav @ Prashant kumar Son of Shivendra Prasad Yadav Resident of village - Jagso, P.S. - Jamalpur, Distt. - Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-08-2023 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in a case registered for the offences punishable under Sections 341, 323, 379, 354, 427, 504 and 506/34 of the Indian Penal Code as well as Section 27 of the Arms Act.

3. Learned counsel for the petitioners submits that petitioner nos. 1 and 2 are persons with clean antecedent and petitioner no. 3 has antecedent of two cases.

4. The informant alleges that on 30.09.2021 an altercation took place in which it is alleged that eight named accused persons including the petitioners came variously armed



and started assaulting his family members. When he along with his cousins Santosh Kumar Yadav and Ashok Yadav came to rescue, the accused persons opened fire which hit on the gear box of the motorcycle as Santosh Kumar Yadav concealed himself. It is next alleged that all the accused persons looted away Rs.2 lakhs in cash and ornaments from the house of the informant and fled away.

5. Learned counsel for the petitioners submits that petitioners have been falsely implicated in the present case. It is further submitted that petitioner no. 3 is neighbour of the informant having land dispute and petitioner nos. 1 and 2 are relatives of the petitioner no. 3 but are residing in a different district i.e. at Saharsa. It is next submitted that petitioner nos. 1 and 2 had also come to meet the petitioner no. 3 and his family members when they came to be implicated with general and omnibus allegation. It is also submitted that though there is allegation of firing but then no one was injured and the cartridge hit the motorcycle.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that though there is general and omnibus allegation of firing but then it is not in dispute that the cartridge got pierced in motorcycle which amply



demonstrates that firing was made. It is further submitted that admittedly there is dispute between the petitioner no. 3 and the informant as submitted by the learned counsel for the petitioners.

7. Considering the submissions made by the learned counsel for the petitioners and the fact that the allegation of firing is general and omnibus in nature, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Jamalpur P.S. Case No. 82 of 2021 corresponding to G.R. No. 633 of 2021, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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