

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50829 of 2023

Arising Out of PS. Case No.-102 Year-2022 Thana- KUSHESHWARASTHAN District-
Darbhanga

-
1. Vinod Yadav, Son of Jay Kishun Yadav, Resident of Village- Sukhasan P.S.- Bakhtiyarpur, (Kanriya OP) , District- Saharsa
 2. Manoj Yadav, Son of Jay Kishun Yadav, Resident of Village- Sukhasan P.S.- Bakhtiyarpur, (Kanriya OP) , District- Saharsa
 3. Pradeep Yadav, Son of Late Ram Khelawan Yadav, Resident of Village- Sukhasan P.S.- Bakhtiyarpur, (Kanriya OP) , District- Saharsa
 4. Nitish Yadav, Son of Devanand Yadav, Resident of Village- Sukhasan P.S.- Bakhtiyarpur, (Kanriya OP) , District- Saharsa

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 23-08-2023 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 Kusheshwarasthan P.S. Case No. 102 of 2022 registered for the offenses punishable under Sections 147, 148, 149, 341, 323, 307, 302, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act. The petitioners have got one criminal antecedent.

3. As per the prosecution story, on 15.03.2022 at about 04:00 P.M. when the informant along with his elder brother went to Jalkar by motorcycle, the FIR named accused persons along with 4-5 known persons assaulted his brother. One Deepak Yadav fired upon the brother of the informant on instruction from Pankaj Yadav and



other named persons also started repeated firing. The FIR named accused persons also fired upon the informant but somehow he escaped. In 2019, these FIR named persons had also killed the father of the informant and this case was informed by the elder brother of the informant who was shot. Since the brother of the informant did not take his case back, the FIR named accused persons killed him.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in this case.

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

6. Having regard to the fact that the petitioners are accused in the murder case of the father of the informant and now it is alleged that they had surrounded the victim and on the instruction by a co-accused Pankaj Yadav, the brother of the informant was shot dead by co-accused Deepak Yadav and it is alleged that these petitioners had indulged in firing upon the informant but somehow he was saved, the informant is an eye-witness of the alleged occurrence, in the circumstances, this Court is not inclined to grant privilege of anticipatory bail to the petitioners.

7. Prayer is refused.

8. This application is dismissed.

(Rajeev Ranjan Prasad, J)

lekhi/-

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

