

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51368 of 2023

Arising Out of PS. Case No.-207 Year-2018 Thana- KHAGARIA District- Khagaria

Arjun Yadav @ Arjun Kumar, aged about 26 years, male, Son of Abdhesh Yadav Resident of Village - Barkhandi, P.S. - Khagaria (Muffasil), District – Khagaria (Bihar).

... .. Petitioner/s

Versus

The State of Bihar, Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shailendra Kumar Singh, Advocate
For the State	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 23-08-2023 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Khagaria (Muffasil) P.S. Case No. 207 of 2018 dated 07.04.2018 instituted under Sections 147, 148, 149, 448, 341, 323, 307, 302, 379 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, 24 named accused persons including petitioner came armed with *lathi*, *danda* and rifle at the house of the informant and there is specific allegation of firing with rifle against co-accused Ashok Yadav, who fired on the order of co-accused Atmaram Yadav, which hit the *Bhabho* of the informant, who died due to the said injury. There is also allegation of indiscriminate firing against



all the accused persons.

4. Learned counsel for the petitioner submits that there is a specific allegation of firing against co-accused Ashok Yadav. He further submits that similarly situated co-accused namely, Sunil Yadav has been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 08.03.2019 in Cr. Misc. No. 3320 of 2019. The petitioner has no criminal antecedent.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Ist Class, Khagaria in Khagaria (Muffasil) P.S. Case No. 207 of 2018, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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