

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51181 of 2023

Arising Out of PS. Case No.-154 Year-2022 Thana- BARH District- Patna

Manish Yadav@ Manish Kumar Son Of Late Viveka Yadav Resident Of
Village -Jalalpur, Police Station -Saksohara, At Present Village- Masood
Bigaha, Police Station -Barh, District -Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate

For the Opposite Party/s : Mr.B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Barh P.S. Case No. 154 of 2022 registered for the offences punishable under Sections 341, 323, 385, 386, 387, 504, 506, 34 of the Indian Penal Code and 27 of the Arms Act. He has one criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, on 19.03.2022 while the informant along with his son Prince Kumar and wife were at his shop, at the same time, accused persons came there and taken Rajnigandha, on asking for payment of the same, the accused persons started abusing and threatened him to see him and after some time all the accused persons along with 8-10



unknown assaulted the informant, his wife and son. It is further alleged that Manish Yadav son of Kapil Yadav and Saurabh, son of Viveka Yadav having pistol in their hands started firing and they fired 4-5 round.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the specific allegation of 4-5 round firing is against co-accused Manish Yadav, son of Kapil Yadav and Saurabh, son of Viveka Yadav and there is no allegation of commission of any overt act by this petitioner.

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

6. Having regard to the facts and circumstances of the case wherein the specific allegation of 4-5 round of firing has been made against co-accused Manish Yadav, son of Kapil Yadav and Saurabh, son of Viveka Yadav, there is no allegation of commission of any overt act by this petitioner, though it is alleged that he had also gone to the place of occurrence with the co-accused, there being no specific allegation against the petitioner, this Court, therefore, directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail



bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate -1, Barh, Patna in connection with Barh P.S. Case No. 154 of 2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

(Rajeev Ranjan Prasad, J)

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