

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49030 of 2022

Arising Out of PS. Case No.-510 Year-2019 Thana- PHULPARAS District- Madhubani

1. LALAN YADAV @ TARUN KUMAR S/O KUSUM LAL YADAV Resident of Village- Phulkahi, P.S.- Phulparas, District- Madhubani.
2. KUSUM LAL YADAV @ SHIV NARAYAN YADAV S/O MOTI LAL YADAV Resident of Village- Phulkahi, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Prakash
For the Opposite Party/s : Mr. Damodar Pd. Tiwary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 20-02-2023 Heard the parties.

The petitioners apprehend their arrest in a case registered for the offence punishable under Sections 341, 323, 324, 307, 379, 504, 34 of the Indian Penal Code.

The allegation against the petitioners is that they alongwith other co-accused persons assaulted the informant by means of several weapons due to which he sustained injuries. The allegation against the petitioner no.1 is that he snatched Rs.10,000/- from the informant and the allegation against the petitioner no.2 is that he fired upon the informant.

It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence.



They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. There is a case and counter-case between the parties. Petitioners have one criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail and submits that there is specific allegation against the petitioner no.2 to fire upon the informant due to which he sustained injuries.

Having regard to the facts and circumstances of the case, as there is a specific allegation against the petitioner no.2 to fire upon the informant, I am not inclined to enlarge the petitioner no.2 on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

However, as there is no specific overt act against the petitioner no.1, let the above named petitioner no.1, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) 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 Phulparas P.S. Case



No.510 of 2019, subject to the conditions as laid down under
Section 438(2) of the Cr.P.C.

Accordingly, this application is partly allowed.

(Anjani Kumar Sharan, J)

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