

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57661 of 2023

Arising Out of PS. Case No.-59 Year-2023 Thana- FALKA District- Katihar

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1. BIBHUTI YADAV @ VIBHUTI YADAV S/O - LATE JAY PRAKASH YADAV R/O - CHANDPUR, P.S. - FALKA (POTHIA),
 2. PUSHPAK RAJ S/O - LATE VIJAY YADAV R/O - CHANDPUR, P.S. - FALKA (POTHIA)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh

For the Opposite Party/s : Mr.Madan Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioners as well as
the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Falka (Pothia) P.S. Case No. 59 of 2023, registered for the offences punishable under Sections 307, 354, 504, 379, 436/34 of the Indian Penal Code and 27 of the Arms Act.

3. As per allegation, on 26.02.2023, when the brother-in-law Sanjeet Kumar of the informant went to meat shop of Rakesh Kumar, the petitioner no. 2, Pushpak Raj along with co-accused Prince Kumar Yadav were already present there. Meanwhile, some scuffle took place between the shopkeeper



and petitioner no. 2 and co-accused Prince Kumar on which Sanjit Kumar intervened and said to Prince Kumar to pay money to the shopkeeper. Thereafter, Prince Kumar Yadav fired shot at Sanjit Kumar, but it hit his sister Pallavi Devi. The accused persons entered into the house of the informant and dismantled the household articles and also snatched gold chain from her neck. It is further alleged that petitioner No. 1 along with other accused persons burnt her house.

4. Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated. He has further submitted that there is no specific allegation against these petitioners to either shot fire or assault the informant. Petitioner No. 2 is a person of clean antecedent, whereas Petitioner No. 1 has two criminal antecedents.

5. In my view, petitioner no. 1 does not deserve the privilege of anticipatory bail as he has criminal antecedents of two cases. Accordingly, his prayer for anticipatory bail is **rejected**.

6. Considering the above-mentioned facts and circumstances, **let the petitioner no. 2**, in the event of his arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Katihar in connection with Falka (Pothia) P.S. Case No. 59 of 2023, subject to the conditions as laid down under Section 438(2) CrPC.

(Nawneet Kumar Pandey, J)

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