

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59091 of 2023

Arising Out of PS. Case No.-45 Year-2023 Thana- HASANPUR District- Samastipur

Rabish Yadav S/O Ram Sagar Yadav R/O Village- Mauji, Ps. Hasanpur, Dist. Samastipur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Chandra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 03-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

02. In the present case, the petitioner is apprehending his arrest in connection with Hasanpur P.S. Case No. 45 of 2023, registered on 02.03.2023, for the alleged offence under Sections 323, 341, 342, 504, 506, 379 and 308 of the Indian Penal Code.

03. As per prosecution case, the petitioner shot at the informant with a pistol and the informant received injury near his waist. Thereafter, the petitioner snatched a gold chain worth of Rs. 55,000/- from the informant.

04. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The alleged occurrence took place on 25.02.2023 whereas



the F.I.R. has been registered on 02.03.2023. Learned counsel further submits that the doctor gave an injury report on 01.04.2023 mentioning therein that he examined the victim on 25.02.2023 at 9:00 p.m. which shows the injury report has been procured and is concocted. Learned counsel further submits that the doctor has further not opined that the injury was caused by any firearm and has just mentioned about alleged history of firearm injury. Further, no entry or exit wound has been found. The injury is stated to be simple in nature and even for that the doctor is not certain about it and has mentioned that injury No. (i) may be simple in nature. The F.I.R. has also not been registered under Section 27 of the Arms Act. Learned counsel further submits that earlier Hasanpur P.S. Case No. 210 of 2017 under Section 302, 120(B) of the IPC was registered against the petitioner, but he has been acquitted in that case. Apart from that the petitioner is having criminal antecedent of two cases and in both the cases he is on bail.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the doubtful nature of injury on the informant and further



considering the delay in lodging of the F.I.R and possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-IV, Rosera at Samastipur/ concerned court in connection with Hasanpur P.S. Case No. 45 of 2023 subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

(Arun Kumar Jha, J)

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