

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65723 of 2023

Arising Out of PS. Case No.-10 Year-2023 Thana- SANDESH District- Bhojpur

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1. ARJUN YADAV son of Upendra Yadav @ Bhuto Yadav Village- Saaripur Ps- Sandesh Dist- Bhojpur at Ara
 2. DIPU TIWARI son of Dharmnath Tiwari Village- Saaripur Ps- Sandesh Dist- Bhojpur at Ara

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shashank Shekhar, Advocate
For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-12-2023 Heard learned Counsel for the petitioners and
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Sandesh P.S. Case No. 10 of 2023 for the offence registered under sections 147, 148, 149, 341, 323 and 307 of the Indian Penal Code and section 27 of the Arms Act lodged on 07.01.2023 by the informant, Raju Kumar Singh.

3. As per the FIR, the allegation of firing is on the Daldi Yadav which hit the leg of the brother of the informant. So far as petitioner no. 1 (Arjun Yadav) is concerned, allegation is against him of opening fire towards the informant which did not hit him and so far as the petitioner no. 2 (Dipu Tiwari) is concerned, allegation is that he gave the order for assault.

4. Learned Counsel for the petitioners submit that a bare perusal of the FIR would show that the allegation of firing



is attributed to co-accused, Daldi Yadav. He further submits that the petitioners have been implicated in this case due to personal grudge.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail stating that the petitioner no. 1 opened fire whereas the petitioner no. 2 is an order giver.

6. Taking into account the submissions put forward by the parties as also the fact that specific allegation is against accused, Daldi Yadav that he opened fire which hit the leg of the informant's brother, this Court is inclined to extend them privilege of anticipatory bail.

7. Let the petitioners in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Sandesh P.S. Case No. 10 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioners, who shall provide official document to show



their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

(v) the petitioners shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of their bail bonds;

8. With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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