

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23483 of 2024

Arising Out of PS. Case No.-278 Year-2022 Thana- PHULPARAS District- Madhubani

1. Umesh Yadav Son of Late Bhola Yadav Resident of Village- Dhabahi, P.S.-
Laukahi, District- Madhubani
2. Dinesh Yadav Son of Late Bhola Yadav Resident of Village- Dhabahi, P.S.-
Laukahi, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 03-05-2024

Heard the parties.

2. The petitioners are apprehending their arrest in connection with Phulparas P.S. Case No. 278 of 2022 for the offence under sections 147, 148, 149, 341, 323, 307, 302, 504, 120B of the I.P.C. and 27 of Arms Act lodged on 10.06.2022 by the informant, Bucchi Devi.

3. As per the prosecution story, the informant alleged that due to land dispute, the accused persons as also three-four unknown persons firstly abused and then made call from Delhi with the brother. The allegation is that Sudhir Yadav went inside home, came out with the rifle and opened fire. It firstly hit the leg of the informant's daughter, Puja Kumari. She got injured



and when the nephew, Krishnadeo Yadav came to her rescue, Sudhir Yadav again opened fire which hit his chest. Both were rushed to Primary Health Centre, Phulparas and then to Darbhanga Medical College Hospital where Krishnadeo Yadav was declared dead while Puja Kumari was undergoing treatment. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that they are amongst the unknown accused whose name has cropped up during the investigation. The further submission is that a bare perusal of the FIR would show that the specific allegation is against Sudhir Yadav of twice opening fire. Firstly, causing injury to Puja Kumari and then, causing death of Krishnadeo Yadav. He, however, accepts that the petitioners herein have criminal antecedent relating to arms act.

5. Learned APP opposes the prayer stating that they are amongst the unknown accused whose name has come during the course of investigation.

6. Taking into account the aforesaid facts as also the fact that the specific allegation is against Sudhir Yadav of twice opening fire, the role of presence at best are attributed to these petitioners, this Court is inclined to extend them the privilege of anticipatory bail with conditions.



7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned ACJM-I, Jhanjharpur, Madhubani, in connection with Phulparas P.S. Case No. 278 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his/her 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 month for one year to mark their 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 the 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.

(Rajiv Roy, J)

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