

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27583 of 2024

Arising Out of PS. Case No.-262 Year-2023 Thana- MANSI District- Khagaria

1. Ajit Yadav Son of Om Prakash Yadav Resident of Village - Rohiyar, P.S. - Mansi, District - Khagaria
2. Amit Yadav Son of Pramod Yadav Resident of Village - Rohiyar, P.S. - Mansi, District - Khagaria
3. Rikesh Yadav Son of Pramod Yadav Resident of Village - Rohiyar, P.S. - Mansi, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s : Mr.Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-08-2024 Heard the parties.

2. The petitioners are apprehending arrest in connection with Mansi P.S. Case No. 262/2023 instituted under Sections 147, 148, 149, 307 and 504 of the Indian Penal Code and section 27 of the Arms Act lodged on 25.08.2023 by the informant, Surendra Yadav.

3. As per the prosecution story, the informant has alleged that while he was putting his house in order, the accused persons armed variously came and at the exhortation of Om Prakash, the accused persons opened fire. The specific allegation is against Ajit Yadav that he opened fire which hit the



lower side of the right leg of the informant. It was only after the presence of the villagers, he could be saved. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that though allegation of opening fire is of Ajit Yadav, he made a categorical statement recorded in para-9 of the case diary that he never went to any hospital for treatment of the said injury, as it was minor. He submits that in that background, beside the two petitioners, Amit Yadav and Rikesh Yadav against whom omnibus allegation is/are there, the petitioner no.1, Ajit Yadav is also entitled for bail particularly none of them have criminal antecedent deserve relief.

5. Learned APP opposes the prayer submitting that as per the FIR, the petitioner no.1, Ajit Yadav opened fire which hit the informant on his leg.

6. Though, there is allegation of opening firing on petitioner no.1, Ajit Yadav, learned counsel for the petitioners have made categorical statement that para-9 of the case diary shows that the informant never went for treatment and as such there is no injury report on record, accepting his version and also they do not have criminal antecedent, this Court is inclined to extend them the privilege of anticipatory bail. However, if it



is found that contrary to the submission put forward by the learned counsel for the petitioners, there is indeed injury report relating to the present case, the relief granted to petitioner no.1, Ajit Yadav shall become infructuous.

7. Let the petitioners be released on bail, in the event of their arrest or surrender before the subordinate court 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 the like amount each in connection with Mansi P.S. Case No. 262/2023 to the satisfaction of learned Chief Judicial Magistrate, Khagaria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(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 co-operate in the investigation and make themselves available to the police as and when required;



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

(v) 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;

(vi) 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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