

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40265 of 2024

Arising Out of PS. Case No.-46 Year-2023 Thana- BASANHI District- Saharsa

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1. Fagu Yadav, Son of Kulanand Yadav, R/o Village- Balaitha, P.S.- Basnahi, District- Saharsa
 2. Pampam Yadav @ Pampam Kumar, Son of Jayprakash Yadav, R/o Village- Balaitha, P.S.- Basnahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Chandra Mohan Jha, Advocate
		Mr. Saurabh Kumar, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 30-08-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for grant of anticipatory bail apprehending their arrest in connection with Basnahi P.S. Case no. 46 of 2023 registered under sections 307, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that while he was proceeding on his motorcycle, two accused persons on another motorcycle with their faces covered started to fire on him as a result of which he sustained firearm injury on his hand and neck. He was taken to the hospital. He further states that he suspects the hands of the eight named accused



persons including the petitioners herein in giving effect to the occurrence.

4. Learned counsel for the petitioners submits that the informant died four months later in course of treatment and section 302 of the Indian Penal Code was added. It is further submitted that so far as the F.I.R. is concerned, the petitioners are not named as assailants. In course of investigation one co-accused Lotus Kumar was arrested and he is said to have given a confessional statement before the police, according to which another co-accused Bittu Kumar is said to have fired upon the informant/deceased. No material has transpired in course of investigation to the effect that the petitioners were even present at the place of occurrence. The petitioners have no criminal antecedent.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R., the material that has transpired in course of investigation together with the confessional statement of co-accused made before police according to which co-accused Bittu Kumar is said to be the assailant, it is directed that both the petitioners,



above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Basnahi P.S. Case no. 46 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-III, Saharsa.

(Partha Sarthy, J)

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