

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48658 of 2024

Arising Out of PS. Case No.-55 Year-2024 Thana- CHAUTHAM District- Khagaria

1. Phantush Yadav Son of Kshatri Yadav R/O Vill.- Pharreh, P.S.- Chautham, Dist.- Khagaria
2. Dhanni Yadav Son of Mishri Yadav R/O Vill.- Pharreh, P.S.- Chautham, Dist.- Khagaria
3. Bipin Singh Son of Birbal Singh R/O Vill.- Pharreh, P.S.- Chautham, Dist.- Khagaria

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anuj Kumar, Adv.
For the Opposite Party/s : Mr.Dr. Indiwari Kumari, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 18-09-2024 Heard Learned Counsel for the petitioners, Learned
APP for the State and Learned Counsel for the Informant.

2. Learned Counsel for the petitioners submits that
this case become infructuous for petitioner No.2, namely,
Dhanni Yadav as he was arrested.

3. As such, this case become infructuous for petitioner
No.2.

4. The petitioners No.1 and 3 are apprehending arrest
in a case registered for the offences punishable in connection
with Chautham P.S. Case No.55 of 2024 under Sections 448,
307, 504, 506 and 34 of the Indian Penal Code read with Section



27 of the Arms Act.

5. As per the prosecution, the FIR has been lodged against four named accused persons including the petitioners against whom there is allegation that they reached at the house of the informant and started firing by desi Katta. Upon hearing, the informant came outside with his father and upon oppose, they made firing upon the informant and got injured.

6. Learned Counsel for the petitioners submits that the petitioners are innocent due to the reason that there is no specific allegation made in the F.I.R. and there is general and omnibus against the petitioners.

7. Learned Counsel further submits that the specific allegation is against one Santu Yadav who is not petitioner here.

8. Learned Counsel further submits that the petitioner No. 1 has four criminal antecedents whereas petitioner No.3 has clean antecedent.

9. Learned APP for the State opposes the prayer for bail and the petitioner No.1 has four criminal antecedent and so far as allegation is concerned, they in connivance with each other reached at the house of the informant for the commission of crime. Therefore, anticipatory bail application may be rejected.



10. Learned Counsel for the informant vehemently opposes the prayer for bail and submits that there is specific allegation against all the accused persons that they in connivance with each other reached at the house of the informant and started indiscriminate firing due to which the informant become injured and he is still in hospital. He further submits that as per the information provided by the informant, one cartridge is still in his spine and he is basically unable to perform his work.

11. In the present facts and circumstances, this Court is not inclined to grant anticipatory bail to the petitioners No.1 and 3, namely, Phantush Yadav and Bipin Singh, therefore the bail application of the petitioners No.1 and 3 is hereby rejected.

(Dr. Anshuman, J.)

Prakashmani/-

U		T	
---	--	---	--

