

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50218 of 2024

Arising Out of PS. Case No.-380 Year-2022 Thana- GAYA MUFASIL District- Gaya

Arun Yadav @ Pintu Kumar @ Arun Yadav Son of Ramvrikasha Yadav
Resident of Vill- Belhanti, P.S.- Muffasil, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Zainul Abedin

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 19-07-2024 Heard learned counsel for the petitioner, learned A.P.P.
for the State assisted by learned counsel for the informant.

2. The petitioner seeks anticipatory bail in connection with Muffasil P.S. Case No. 380 of 2022 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, petitioner and others surrounded the informant's husband and started abusing him. It is alleged that on exhortation of petitioner, accused persons became aggressive and co-accused Bhola Yadav fired from country made pistol, causing injury on the head of victim Kishori Yadav. It is further alleged that co-accused Mahesh Yadav fired from country made pistol, causing injury in the stomach of victim Kishori Yadav and rest of the accused persons escaped away by making fire in the



air. During the course of treatment victim died.

4. Learned counsel for the petitioner submits that from the perusal of FIR itself, there is no specific allegation against petitioner rather the specific allegation of firing is against co-accused Bhola Yadav and Mahesh Yadav. Petitioner is merely an order giver which is completely false and baseless as on the date of occurrence petitioner was serving his National Duty in Indian Armed Forces in Jharkhand and concerned authorities has given the report which is Annexed as Annexure-P/2. He further submits that after investigation Police has submitted final form showing that petitioner's involvement is not found in the entire occurrence which is quite evident from charge-sheet no. 723/2023 dated 19.10.2023 as the same has been Annexed as Annexure- P/3 of the bail petition. Petitioner bears no criminal antecedent except one criminal antecedent for the offence under Section 498 (A) 323, and 504 of the IPC and Sections 3/4 of the Dowry Prohibition Act. He further submits that learned Jurisdictional Magistrate differed from the final form submitted by Police and cognizance has been taken against the petitioner so petitioner has prayed for anticipatory bail.

5. The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposed the prayer for bail.

6. Considering the facts and circumstances of the case,



an argument advanced on behalf of the both sides as well as material available on record, in the event of surrender or arrest before the concerned court within six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Gaya Muffasil P.S. Case No. 380 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Alok Kumar Pandey, J)

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