

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59697 of 2024**

Arising Out of PS. Case No.-263 Year-2023 Thana- LAKHNAUR District- Madhubani

Jayprakash Yadav, S/O Dani Yadav R/O Village- Kasiyam, Umari, P.S-  
Lakhnaur, Distt.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Shivnandan Bharti

For the Opposite Party/s : Mr.Manoj Kumar

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

2      18-09-2024                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. The petitioner seeks bail in anticipation of his  
arrest in a case registered for the offences punishable under  
Sections 147, 341, 323, 324, 307, 427, 448 and 504 of the  
Indian Penal Code and Section 27 of the Arms Act.

3. The learned counsel for the petitioner submits that  
the petitioner is a person with clean antecedent and the  
informant alleges that on 06.12.2023, while he was in his house  
with his cousin and uncle, when petitioner along with other  
named accused persons and 04 unknown accused came  
variously armed, on which the informant tried to close the door,  
but the petitioner pushed the door and fired, but missed and  
thereafter, assaulted the informant by butt of the gun on his



shoulder, thereafter, Pappu fired five times in order to kill the informant and others. It is also alleged that Bablu and Gunanand Yadav assaulted the cousin (Jai Kishore) of the informant by *Tengari* and *farsa*. Further, earlier also Case No.88 of 2020 was instituted against the side of the petitioner.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that no doubt, from perusal of the order impugned, it would manifest that two empty cartridges were recovered from the house of the informant, but then, allegation of firing is on Pappu i.e. he fired five times and as far as this petitioner is concerned, he also is alleged to have fired but missed. It is thus submitted that as per allegation as alleged in the FIR, it would manifest that six rounds of firing was made in the house of the informant, but then, only two empty cartridges are alleged to have been recovered, which amply demonstrates that in order to give seriousness to the case, the informant provided those two empty cartridges or else there would have been six cartridges in the house. It is also submitted that allegation of assaulting Jai Kishore by *Tengari* and *farsa* is against Bablu and Gunanand. It is also submitted that petitioner is a person with clean antecedent and is not a criminal. It is also



submitted that petitioner will not abscond rather will cooperate in the investigation to prove his innocence. It is further submitted that though there is allegation of firing, but then, no one was injured, which amply demonstrates that the allegation of firing has been made only to give seriousness to the case.

5. Learned A.P.P. opposes the anticipatory bail application.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M.-1st, Jhanjharpur, Madhubani in connection with Lakhnaur P. S. Case No.263 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required,



the learned trial Court shall be at liberty to cancel the bail bonds  
of the petitioner after recording reasons.

9. Let a copy of this order be sent to the concerned  
Police Station through the learned trial Court.

(Satyavrat Verma, J)

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