

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61070 of 2024

Arising Out of PS. Case No.-317 Year-2023 Thana- VISHNUPAD District- Gaya

=====

Sagar Yadav @ Sahitya Sagar @ Sagar Kumar @ Sahitya Son of Mahesh
Yadav @ Mahesh Kumar Resident of village - Gopi Bigha, P.S.- M.M.C.H.
(Magadh Medical College), District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bachan Ojha

For the Opposite Party/s : Mr. Shahabuddin Azeem @ S. Azeem

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-09-2024 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. This application, for grant of anticipatory bail, arises out
of Vishnupad Police Station Case No. 317 of 2023, dated
21.11.2013, disclosing offences under Sections
341/323/307/427/34 of the Indian Penal Code and Section
27 of the Arms Act.
3. The prosecution case, as per the First Information Report,
is that on 21.11.2023, while the informant was going to
meet his friends, he was intercepted by the petitioner and
other accused persons armed with lathi, danda, pistol, etc
and was assaulted by them. Co-accused Mukesh Yadav
fired six rounds of bullets from his pistol and co-accused



Deepak assaulted the informant by means of iron rod due to which he sustained injury on his wrist of left hand. It has further been alleged that the petitioner fired upon the informant, but somehow the informant escaped from the bullet. Accused persons also damaged the motorcycle. It is lastly alleged that the accused persons pressurized the informant to enter into a compromise in a case lodged by the informant for murder of his brother and offered him a sum of Rs. 11 Lakh.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case due to village rivalry. He next submits that the petitioner and other accused persons are not accused in a case lodged by the informant for murder of his brother, which would be evident from the First Information Report, bearing Vishnupad Police Station Case No. 243 of 2019, annexed at Annexure-2, and the same is against other accused persons, whose names are mentioned in the column of accused persons. He further submits that no injury has been sustained by the informant due the assault made by the petitioners and others. The police has not recovered any used cartridges and no seizure list has been



prepared.

5. Having regard to the submissions made on behalf of the parties and taking into consideration the fact that informant has not sustained any injury due to alleged firing done by the petitioner and others and no injury has been brought on record caused to the informant due to the assault made by the accused persons, I am inclined to grant the petitioner privilege of anticipatory bail.
6. This application is, accordingly, allowed.
7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Vishnupad Police Station Case No. 317 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

ashwani/-

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

