

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66365 of 2024

Arising Out of PS. Case No.-57 Year-2024 Thana- BATH District- Bhagalpur

Ashok Yadav Son of Gaorh Yadav R/o Village- Navtolia Mirhatti P.S-
Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA

ORAL ORDER

2 13-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Bath P.S. Case No. 57 of 2024 dated 16.04.2024 instituted for the
offence punishable under Sections 302, 307, 120(B)/34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in short, is that on the alleged
date and time of occurrence, the informant along with Mukesh
Kumar Singh and Karelal @ Sachidanand Singh went to the filed.
On reaching there, they saw that the petitioner along with other
accused persons was filling wheat straw in the jute bag which was
lying in the filed of Mukesh Kumar Singh. On protest, some
altercation took place between the parties. In the meantime, co-
accused, namely, Mithun Kumar came there and he along with co-



accused Pawan Yadav and Rabu Yadav started firing, due to which Mukesh Kumar and Karelal sustained fire arm injury. Consequently, Mukesh Kumar died at the spot due to fire arm injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the petitioner and his wife has also been made accused in this case. There is no specific allegation against the petitioner. Specific allegation is against co-accused Mithun Yadav, Pawan Yadav and Rabu Yadav who fired at Mukesh Kumar and Karelal due to which they sustained injury. Later on, Mukesh Kumar Singh died at the spot. Allegation against the petitioner is that he and his wife were only filling wheat straw in the sack without permission or payment of the said straw. Learned counsel for the petitioner further submits that the F.I.R. shows that there is no any whisper against the petitioner which would connect him to the crime. Similarly situated co-accused, namely, Sangita Devi, who is the wife of the petitioner, has already been granted bail vide order dated 21.08.2024 passed by this Court in Criminal Miscellaneous No. 50971 of 2024. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.



6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bath P.S. Case No. 57 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned JM 1st Class, Bhagalpur, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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