

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82533 of 2024

Arising Out of PS. Case No.-131 Year-2022 Thana- BARARI District- Katihar

1. Bijay Yadav Son of Bhagwan Yadav Resident of Village - Mohan Dih, P.S. - Barari (Semapur), District - Katihar
2. Bhagwan Yadav Son of Late Yogi Yadav Resident of Village - Mohan Dih, P.S. - Barari (Semapur), District - Katihar
3. Shrawan Yadav @ Sharwan Yadav Son of Hardeo Yadav Resident of Village - Mohan Dih, P.S. - Barari (Semapur), District - Katihar
4. Ram Lakhan Yadav Son of Hardeo Yadav Resident of Village - Mohan Dih, P.S. - Barari (Semapur), District - Katihar
5. Hardeo Yadav Son of Late Yogi Yadav Resident of Village - Mohan Dih, P.S. - Barari (Semapur), District - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.
For the Opposite Party/s : Mr. Ganesh Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Barari (Semapur) P.S. Case No. 131 of 2022 registered for the offences punishable under Sections 147, 148, 149, 307 of the Indian Penal Code and Section 27 of the Arms Act.

3. The prosecution case, in brief, is that on 17.05.2022, when the informant's son was returning to his house, on his way, all the petitioners tried to stop him and when he did not stop,



they verbally abused him and started indiscriminate firing upon him.

4. It is submitted by learned counsel for the petitioners that the petitioners are quite innocent and have committed no offence. No such occurrence as alleged has ever taken place. They have falsely been implicated in this case due to ulterior motive. The allegation levelled against the petitioners is totally false and based on concocted facts. No any pellet or arms and ammunition have been recovered from the place of occurrence. There is previous enmity between the parties. Though there is specific allegation against the petitioners of indiscriminate firing, but no person has sustained injury in the alleged occurrence which creates serious doubt about the prosecution case. Learned counsel further submits that petitioners have two criminal antecedents of similar nature of offence that of the present case.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the facts and circumstances of the case, the criminal antecedents of the petitioners and particularly the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.



7. Accordingly, the application stands dismissed.

8. However, if the petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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