

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1153 of 2024

Arising Out of PS. Case No.-99 Year-2023 Thana- KHUSRUPUR District- Patna

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1. Birendra Yadav @ Birendra Kumar Son Of Shiv Balal Yadav R/O Baikathpur, P.S. - Khusrupur, Distt. - Patna
 2. Atul Yadav @ Atul Kumar Son Of Shiv Balak Yadav R/O Baikathpur, P.S. - Khusrupur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Yadav
For the Opposite Party/s : Mr. Nand Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-07-2024 By order dated 29.01.2024, this application is
dismissed as withdrawn with regard to petitioner no. 2.

2. Now, this application is being heard only with
regard to petitioner no. 1.

3. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

4. The petitioner apprehend his arrest in a case
registered for the offences punishable under Section 307 of the
Indian Penal Code and Section 27 of the Arms Act.

5. Allegation against the petitioner and other named
accused persons is of making indiscriminate firing for an issue



related with MKS brick kiln.

6. Learned counsel for the petitioner submits that petitioner are innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the allegation against the petitioner and other co-accused persons is that a firing took place between the petitioner's and informant's side. There is case and counter case between the parties. The I.O. of Khushrupur P.S. Case No. 97/2023 and 98/2023 reached near the place of occurrence i.e. Devi Asthan, where the police has recovered 5 empty cartridge and on that basis the present case has been lodged against the petitioner and informant. He further submits that one of the co-accused have been granted anticipatory bail by this Court vide order dated 08.12.2023 passed in Cr. Misc. No. 78049 of 2023. Petitioner has one criminal antecedent as mentioned in para-3 of this application.

7. Learned APP for the State opposes prayer for anticipatory bail.

8. Having regard to the facts and circumstances of the case, let the above named petitioner no. 1, be released on bail, in the event of his arrest or surrender before the learned Court



below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Khusrupur P.S. Case No.99 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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