

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1446 of 2024

Arising Out of PS. Case No.-109 Year-2023 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. Dilip Kumar @ Dilip Yadav son of Rameshwar Yadav Residents of Village- Hario, P.S.- Magadh Medical, District- Gaya
 2. Dharmendra Kumar @ Baudha Yadav Son of Rameshwar Yadav Residents of Village- Hario, P.S.- Magadh Medical, District- Gaya

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Sudama Singh, Advocate Mr. Shashi Kant, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioners and learned
APP for the State.

2. The petitioners in the present case are seeking pre-arrest bail in connection with Magadh Medical P.S. Case No. 109 of 2023 registered for the offences punishable under Sections 147, 148, 149, 324 and 307 of the Indian Penal Code and Section 27 of the Arms Act. Petitioner no.1 has got two criminal antecedent and petitioner no.2 has got one criminal antecedent.

3. As per the prosecution story, on 08.03.2023 at 9 pm, the informant after hearing gunshot came outside and saw the accused persons, including the petitioners, were indulged in firing and brickbatting. It is alleged that when the informant

came out of his house he was hit by a bullet. It is further alleged that police recovered four cartridges and two bullets.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in the present case. It is submitted that though these petitioners are named in the FIR but there is no specific allegation of firing against them and nobody has received serious injury in the alleged occurrence. The co-accused Sandeep Yadav who is alleged to have made firing from a rifle has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 64646 of 2023.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioners.

6. Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioners that these petitioners are just named in the FIR, there is no specific allegation of firing against them, the petitioners have been made accused in two other cases on the same day as stated in paragraph '3' of the application, the co-accused Sandeep Yadav who was allegedly firing from a rifle has been granted privilege of pre-arrest bail by a learned coordinate Bench of this Court in Cr. Misc. No. 64646 of 2023 and in the

alleged occurrence no serious injury is caused to anybody, this Court directs that in case of their arrest or surrender within a period of four weeks from today, the petitioners above named be released on bail in connection with Magadh Medical P.S. Case No. 109 of 2023 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gaya subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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