

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 68740 of 2024

Arising Out of PS. Case No.-129 Year-2023 Thana- FULKAHA District- Araria

Rajendra Yadav S/o- Bhidi Yadav Village - Madhura North Nagar Panchayat
W.No-3, Ps- Fulkaha Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Bhushan Das, Adv

For the Opposite Party/s : Mr.Shantanu Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

3 18-01-2025 Heard learned counsel for the petitioner and

Learned APP for the State.

2. The petitioner apprehends his arrest in connection with Fulkaha P.S. Case No. 129 of 2023 instituted for the offences punishable under Section 147, 149, 341, 323, 307, 504, 506, 120B of the Indian Penal code and Section 27 of the Arms Act. Later on offence under Section 302 had been added.

3. As per the prosecution case, F.I.R. has been lodged against ten named accused persons including the present petitioner against whom there is an allegation of assaulting the informant's son by fist and slaps while grazing his buffaloes on the road side. Thereafter, informant along with another son namely Lalit Kumar yadav @ laltu yadav and with some of his



neighbors had gone to pacify the matter with the accused persons then one of the accused persons namely Rajesh Kumar Yadav had fired gun shot upon Lalit Kumar in which he was injured and died during the course of treatment.

4. Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. He further submits that he has no criminal antecedent. He next submits that petitioner was just one of the member of mob. Moreover, from the FIR, it appears that there is specific allegation of firing against the co-accused namely Rajesh Kumar Yadav.

5. Learned APP for the State opposes the prayer for anticipatory bail of the petitioner

6. From perusal of the F.I.R., impugned order and case diary, it appears that allegation of firing a gun shot is upon the other accused namely Rajesh Kumar Yadav and not against the present petitioner. Only allegation against the petitioner is that he has assaulted the deceased by fist and slaps. Moreover, as per the FIR, it is admitted fact that the place of occurrence was on the road in-front of the door of the petitioner. And considering the fact that petitioner possess clean antecedent and aged about 70 years which is mentioned in the title page of the anticipatory bail petition, let the above named petitioner be



released on bail in the event of his arrest or surrender before the trial Court within a period of six weeks from today on furnishing bail bond of Rs 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Araria in connection with Fulkaha P.S. Case No. 129 of 2023 subject to the condition laid down under Section 438(2) of Cr.P.C.

(Ramesh Chand Malviya, J)

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