

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68325 of 2024

Arising Out of PS. Case No.-243 Year-2019 Thana- ALOULI District- Khagaria

Mukesh Yadav Son of Shrawan Yadav Resident of village -Barkhandi Tola,
PS -Muffsil, District -Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmveer, Advocate

For the Opposite Party/s : Mr. Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

5 22-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Alouli P.S. Case No. 243 of 2019 for the offence under Sections 307 and 34 of the I.P.C. and Section 27 of the Arms Act.

3. As per the prosecution story, the informant has alleged that when he was going to collect some amount from a medical hall, meanwhile the petitioner along with other co-accused persons surrounded him. Thereafter, on order of Shrawan Yadav, one co-accused Arvind Yadav fired a bullet upon the informant which didn't hit. Thereafter, he fell down from the motorcycle and sustained injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence whatsoever



and he has falsely been implicated in this case on the instance of Rajniti Yadav. The allegation against the petitioner is absolutely false and fabricated. As per the F.I.R, the alleged occurrence is said to have taken place on 01.07.2019 (No time of occurrence is given) and the F.I.R. is instituted on 21.07.2019 at 17.00 Hrs, after the delay of 20 days. In fact, no such occurrence has taken place as alleged in the F.I.R. against the petitioner by the informant. It is humbly submitted that there is specific allegation of firing, on the informant against the petitioner but the same didn't hit the informant, he is simply member of unlawful assembly.

5. Learned APP opposes the prayer for bail.

6. During the course of argument, learned counsel for the petitioner submits that in F.I.R. itself it is mentioned that the father of the petitioner has earlier filed a case against '*Fufa*' of the informant and the present case is false. Para 52 and 53 of the case diary speaks that petitioner has been falsely implicated in this case. Moreover, the witnesses have stated that the alleged bullet did not hit the informant. Keeping in view the aforesaid facts, and previous enmity between the parties, this Court is inclined to extend him the privilege of anticipatory bail.

7. Let the petitioner be released on bail in the event of



arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Alouli P.S. Case No. 243 of 2019 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(S. B. Pd. Singh, J)

Ankit /-

U		T	
---	--	---	--

