

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79882 of 2023

Arising Out of PS. Case No.-207 Year-2023 Thana- NARPATGANJ District- Araria

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1. MUKESH KUMAR YADAV S/O SHOBHANAND YADAV R/O VILLAGE- BADAHARA WARD NO.-07, BARHARA, ARARIA, BIHAR-854335.
 2. SAKAL DEB YADAV S/O RABBI YADAV R/O WARD NO.-07, BARHARA, NARPATGANJ, ARARIA, BIHAR, 854335.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivnandan Bharti, Advocate
For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

- 5 05-05-2025 1. Heard learned counsel for the petitioners and learned APP for the State.
2. The petitioners apprehend their arrest in connection with Narpatganj P.S. Case no.207 of 2023 registered under Sections 307, 147, 148, 149, 341 and 323 of the Indian Penal Code.
3. As per the prosecution case, on 25.04.2023 at about



02:00 p.m. while the informant was ploughing his land along with his nephew, all six named accused persons including the petitioners herein came to the field of the informant variously armed and started abusing the informant. Thereafter, on the order of accused Shobhanand Yadav, one Bijen Yadav fired from his pistol on the forehead of the informant due to which he sustained injuries. It is further alleged that the petitioners along with accused persons also assaulted the informant and his nephew by means of iron rod and lathi.

4. Learned counsel for the petitioners at the outset, submits that it would be evident from the F.I.R itself that there is specific allegation of firing upon one Bijen Yadav on the order of Shobhanand Yadav. So far as these petitioners are concerned, there is general and omnibus allegation of assault upon the informant and his nephew. It is further submitted that petitioner no. 2 has also filed complaint case against the informant and his family members which is Annexure-2 to the petition. The injury reports of the informant and his nephew have been annexed in the supplementary affidavit and the same would go to show that the injuries are simple in nature. It is further submitted that similarly situated co-accused person Rupesh Yadav has already been granted privilege of anticipatory



bail vide order dated 28.11.2023 passed in Cr. Misc. No. 71016 of 2023 and the same has been annexed as Annexure-P/6 Series to the supplementary affidavit. It would also be relevant to consider that the co-accused Bijan Yadav @ Bijendra Kumar against whom there is allegation of opening fire has also been granted the privilege of anticipatory bail by this Court vide order dated 07.11.2023 passed in Cr. Misc. No. 68425 of 2023. The criminal antecedent of the petitioners has also been brought on record by way of supplementary affidavit which would go to show that petitioner no. 1 has one criminal antecedent and petitioner no. 2 has three criminal antecedents in which they are on bail in their respective cases.

5. The application for anticipatory bail is opposed by learned A.P.P. for the State.

6. In view of the entire facts and circumstances of the case, it is directed that the petitioners above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Narpatganj P.S. Case no.207 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria,



subject to the condition laid down under Section 438(2) of the
Code of Criminal Procedure/Section 482(2) of the B.N.S.S,
2023.

(Soni Shrivastava, J)

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