

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27973 of 2021

Arising Out of PS. Case No.-104 Year-2020 Thana- NOORSARAI District- Nalanda

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SURESH YADAV S/O LATE RAMADHIN YADAV R/o village- Meyar, P.S.-
Noorsharai, District- Nalanda

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Opposite Party/s : Mr.A.G.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-02-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defect(s), as pointed out by the office, within a
period of four weeks.

The petitioner is apprehending his arrest in Noorsarai P.S.
Case No. 104 of 2020 registered under Sections 341, 323, 307,
504, 379/34 of the Indian Penal Code and 27 of the Arms Act.

Prosecution case in short is that on 27-03-2020 at about
12.00 in the afternoon, while the informant alongwith his wife
was at his house, all of a sudden, the accused persons having
armed with pistol entered into his house and started abusing
them. Thereafter, other accused persons armed with Danda and
iron rod also came there and brutally assaulted the informant



and his wife with intention to kill them and looted the household articles. Firing was also made as a result of which, the informant's wife sustained fire-arm injury. While the other family members came to rescue, they were also assaulted.

It has been submitted on behalf of the petitioner that there is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has been falsely implicated in the present case. So far allegation of firing being made by the petitioner is concerned, the same has hit none. Firing made by the co-accused is said to have hit the wife of the informant.

From perusal of the injury report of wife of the informant, it is apparent that the injury is said to have been caused by hard and blunt substance. The said injury report does not support the allegation made in the FIR. The case has been lodged after 7 days of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution.

On behalf of the State, it is submitted that the petitioner is named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on



furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda in connection with Noorsarai P.S. Case No. 104 of 2020 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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