

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.33661 of 2015

Arising Out of PS.Case No. -51 Year- 2015 Thana -PAKARIBARAW District- NAWADA

1. Sanjay Kumar @ Sanjay Kumar Yadav son of Late Ishwar Yadav, resident of village- Jasat, Police Station- Pakribarawan (Dhamaul), District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bipin Kumar

For the Opposite Party/s : Mr. Arun Kumar(App)

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 19-08-2015 Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is languishing in custody since 04.05.2015 in a case registered for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 379, 504, 506 of the Indian Penal Code and 27of the Arms Act.

The prosecution case is that one Suresh Yadav gave his fardbeyan before O/C Dhamaul O.P. on 28.03.2015 at 5.30 P.M. Stating therein interalia that on the same day at 5.00 P.M., when he was coming with his cow, he heard the sound of firing. In the mean time all the FIR named accused persons including this petitioner, variously armed with rifle, lathi and danda chased

Dayanand to the house of Nandu Yadav. In such situation informant started to flee away but he was surrounded by Karanvir Yadav and Dharmendra Yadav and Ranveer Yadav and fired to the informant, which hit at his left hand. When the wife of Nandu Yadav came there to rescue him, she was also assaulted with fist and slaps and she was abused and her ear-rings and silver chain were snatched away. Accused persons after giving the threatening went away.

The genesis of the occurrence is that there is land dispute between Dayanand Yadav and Kishun Yadav and the informant had intercepted into the matter and had stated that the person having the genuine document of land, will be the owner the aforesaid disputed land.

It has been submitted by the counsel for the petitioner that the allegations against the petitioner is general and it is only of surrounding the victim along with other accused persons but it was Ranvir Yadav, who shot at the informant, which hit his left hand.

Learned counsel for the petitioner further submits that there is direct allegation against Ranvir Yadav but no specific allegation against the petitioner. A co-ordinate Bench of this Court has granted the privilege of bail to seven other co-accused upon

similar allegation in Cr. Misc. No. 21250/2015 dated 18.06.2015. I do not propose to take a different view.

In view of the facts and circumstances, let the petitioner, namely, Sanjay Kumar @ Sanjay Kumar Yadav be released on bail 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, Nawada in connection with Pakribarawan (Dhamaul) P.S.Case No. 51/2015 (G.R. No. 808/2015), on a condition that the petitioner shall appear in the Court below. If he fails to appear before the Court below on two consecutive dates and is again found involved in the similar nature of cases, as he is involved in four other cases of similar nature, the bail bond will be liable to be cancelled by the learned Court below.

(Nilu Agrawal, J)

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