

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12625 of 2016

Arising Out of PS.Case No. -155 Year- 2015 Thana -SIRDALA District- NAWADA

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Ram Chandra Yadav @ Bhushan, Son of Gaurishankar Prasad, Resident of
Village – Shivalapar, P.S. Hisua, District - Nawada

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Indradeo Prasad

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

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

2 18-03-2016

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending arrest in a case registered for the offences punishable under Sections 341, 323, 504, 506 and 34 of the Indian Penal Code and Section 3(i)(x) of SC/ST Act and Section 27 of the Arms Act.

Prosecution case is that the accused persons came vigorously armed and started abusing the informant by calling caste name when co accused Rajkumar Yadav Resorted to fire but no injury was caused to anyone. It is alleged that the co-accused assaulted the father of the informant with butt of the gun, whereas co-accused Upendra Yadav assaulted with *lathi* to the informant's family. It is further alleged that the petitioner came and handed over the pistol to the Rajkumar Yadav and ordered to kill the informant.



It is submitted by learned counsel for the petitioner that in the background of the land dispute between informant and Girija Prasad, the accusation has been leveled. The petitioner has been roped in the present case since he is the brother in law of Girija Prasad. The accusation of assault is not levelled against the petitioner. Accusation of abusing by calling caste name is omnibus and general. For the occurrence of 09.08.2015 at 10.30 A.M., the F.I.R was registered on 10.08.2015 at 8.30 P.M., which reached to the Court of learned ACJM on 13.08.2015. The delayed reaching of the FIR to the court suggests that the FIR has been registered by antedating. There is counter version of the occurrence also and petitioner side case was registered at earlier point of time.

A statement has been made in paragraph -3, that the petitioner has no criminal antecedent.

Considering the nature of accusation in the background of land dispute and also that there is no specific accusation against the present petitioner, let the petitioner above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bond of Rs. 10,000 (Rs. Ten Thousand) each with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Nawada in

connection with Sirdala P.S. Case No. 155 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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