

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27209 of 2018

Arising Out of PS.Case No. -38 Year- 2017 Thana -UPHARA District- AURANGABAD

- =====
1. Raja Yadav, S/o Late Brahamdeo Yadav.
 2. Bhim Yadav, S/o Dharamdeo Yadav, Both R/o Village Dandwa, P.S. Uphara, District- Aurangabad.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

For the Opposite Party/s : Mr. Sri Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 04-05-2018

Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 323, 353 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the written report of Ramakant Kumar, a Constable of Uphara P.S. submitted to the Station House Officer, Uphara P.S., is to the effect that on 22.10.2017 at 8.30 A.M. the informant received information that the villagers of Bhaluhar and Dadwa village have collected in a changed atmosphere since there is a dispute from before for



sharing the irrigation water from the water channel hence there is likelihood of a fight ensuing between two villagers. Consequently informant and police personnel went to the spot and found 100-120 people armed with lathi, danda and garasa. The informant and others tried to pacify the issue, in the meantime, villagers of Bhaluhar started pelting stones on the informant and police personnel causing injury on his right eye. 14 persons were identified as stone peltors. When the police force tried to apprehend the accused persons co-accused Nitish Kumar and Vikash Kumar resorted to fire and escaped from the scene. When the villagers of Bhaluhar started fleeing away then the petitioners Raja Yadav and Bhim Yadav also resorted to fire.

It is submitted by learned counsel for the petitioners that admittedly firing did not hit anyone and out of 14 FIR named accused persons, 12 accused persons of Bhaluhar village have been granted anticipatory bail by a co-ordinate Bench of this Court vide Cr. Misc. No. 63265 of 2017, as contained in Annexure-3 and petitioners are accused in one other case, though, they are on bail in the said case. There is a counter version of the occurrence also being Uphara P.S. Case No. 37 of 2017 registered at the behest of one Nirbhay Kumar, resident of Bhaluhar village, as contained in Annexure-2.



Considering the accusation being levelled in the background of sharing of irrigation water between the natives of two villages and admittedly the firing resorted to by the petitioners did not cause any injury to anyone, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned SDJM, Daudnagar, Aurangabad in connection with Uphara P.S. Case No. 38 of 2017, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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