

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42093 of 2018

Arising Out of PS.Case No. -69 Year- 2018 Thana -KHAGARIA District- KHAGARIA

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1. Bhushan Yadav S/o- Bino Yadav
2. Amit Yadav @ Amit Kumar, S/o- Bhushan Yadav Residents of Village-
Mathar, P.S.- Muffasil, District- Khagaria.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rakesh Chandra

For the Opposite Party/s : Mr. Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 06-09-2018 Heard learned counsel for the petitioners and learned APP for
the State.

The petitioners are apprehending their arrest in a case registered under Sections 307, 504/34 of the Indian Penal Code and Section-27 of the Arms Act.

The prosecution case, in short, is that in the backdrop of land dispute between the informant and accused persons, an altercation took place. It is alleged that on the order of co-accused Jagdish Yadav, the petitioners fired, which hit the informant on his stomach and wrist.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The alleged date of occurrence is said to be 05-02-2018 whereas the



case was instituted on 10-02-2018. The delay in instituting the case has not been explained by the prosecution.

From perusal of paragraph-37 of the case diary, it appears that in support of the allegations made in the FIR, no injury report has been prepared. Subsequently, in course of investigation, the I.O. tried to obtain the injury report but the same has not been furnished to him, which is evident from paragraph-27 of the case diary.

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

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Khagaria in connection with Khagaria (Muffasil) P.S. Case No. 69 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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