

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.37057 of 2018

Arising Out of PS. Case No.-68 Year-2018 Thana- PAHARPUR District- East Champaran

1. Ekbali Yadav, Son of Kishundeo Yadav
 2. Ashok Yadav Son of Kishundeo Yadav
 3. Manoj Yadav Son of Kishundeo Yadav
 4. Chandrabali Yadav Son of Kishundeo Yadav
- All residents of Village - Majhariya, P.S. Malahi, District East Champaran.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Anshu Dhar Sharma, Advocate

For the Opposite Party/s : Mr. Abhishek Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL ORDER

2 03-07-2018 Heard learned counsel for the petitioners and learned counsel for the State.

In this case, the petitioners are seeking anticipatory bail in connection with Paharpur (Malahi) P.S. Case No. 68 of 2018, registered for the offence punishable under Sections 147, 148, 149, 302 and 307 of the Indian Penal Code and Section 25(1-B)A, 26, 27 and 35 of the Arms Act.

As per the F.I.R., the informant could know that the accused persons were ploughing his agriculture field, he along with his uncle went there and tried to prohibit the accused persons. Whereupon, Munna Yadav resorted firing, which caused injury to Devendra Yadav, resulted into the death of Devendra Yadav. Sonu Yadav also made firing, which caused



injury to Asharfi Yadav. Rupesh Yadav also resorted firing, which caused injury to Mahesh Yadav. It has also been alleged that all accused persons resorted indiscriminate firing upon the informant side. As per the prosecution, two persons have received fire arm injury and one person has died.

Learned counsel for the petitioners submits that it is a land dispute, the petitioners were in possession of the land, but the informant side wanted to grab the said land illegally, which is the reason of this incident. He further submits that no specific allegation has been made against the petitioners to have caused any injury to any person.

In the present case one person has died and two persons have received fire arm injury. As per the F.I.R., all the accused persons resorted indiscriminate firing upon the informant side.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioners. Accordingly, the prayer for bail is rejected.

(Shivaji Pandey, J)

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