

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68190 of 2018

Arising Out of PS. Case No.-75 Year-2018 Thana- BABUBARHI District- Madhubani

Jagdish Yadav, Son of Late Mohitlal Yadav, Resident of Village- Bhanpur,
P.S.- Babubarhi, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Gagan Deo Yadav, Advocate.
For the Opposite Party : Mr. Anil Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 28-11-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in a case for
the offence registered under Sections 147, 148, 149, 341, 323,
324, 307, 379, 427, 447 of the IPC and 27 of the Arms Act.

The prosecution story, in brief, is that on 16.05.2018
informant's son namely, Ram Chandra Yadav, milling the paddy
went to house of customer at about 9.00 A.M. heard hulla, F.I.R.
named accused persons and 5-6 unknown including the
petitioner due to earlier enmity to land dispute fired upon his
son. In the meantime, informant and his cousin brother Laxman
Yadav reached at the place of occurrence then all accused
persons including the petitioner surrounded the informant and
his cousin brother, petitioner and co-accused started firing from



his pistol and informant was asked why he committed murder. Thereafter, co-accused Manoj Yadav, Chandra Mohan Yadav, Prakash Yadav, Ramesh Yadav assumed with *Lathi Danda* and started assaulting due to the informant Sulum injured. Accused persons also broke the house of the *Government Hand Pump* when villagers reached their, accused persons fled away.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is case and counter case between the parties. Injury on the side of accused has not been explained by the prosecution. The prosecution has not come with clean hands.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, in the event of arrest or 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 the learned A.C.J.M.- II, Madhubani, in connection with Babubarhi P.S. Case No.



75/2018, subject to the conditions as laid down under Section
438(2) of the Code of Criminal Procedure.

U.K./-

(Sudhir Singh, J)

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