

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8803 of 2018

Arising Out of PS.Case No. -753 Year- 2017 Thana -MADHEPURA District- MADHEPURA

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Upendra Yadav @ Jhingar Yadav Son of Late Fagoo Yadav, @ Late Vagoo
Yadav Resident of Village-Bhaun, P.S.-& District-Madhepura.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 20-02-2018

Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in relation to Madhepura P.S. Case No. 753/2017 registered under Sections 448, 341, 323, 379, 504, 506, 427/34 of the Indian Penal Code and 27 of the Arms Act.

Learned counsel for the petitioner submits that there are general and omnibus allegations against the four named accused persons including the present petitioner that they along with 5 to 7 unknown miscreants came on the place of occurrence and were fighting indiscriminately and then they demolished the wall of the house of the informant and entered in his house.

Learned counsel submits that although there



are allegations of indiscriminate firing but there is no allegation that anybody has been injured in the alleged firing, and therefore, it is submitted that entire allegation is false, concocted and baseless.

Learned counsel submits that so far as the present petitioner is concerned, the allegation against him is that he had ordered the unknown miscreants who had come there. It is further submitted that in course of investigation, police has not found the case under Section 379 I.P.C. true.

Learned counsel for the petitioner submits that Annexur-2 is the Sanha submitted by the petitioner's side against the informant and others.

Considering the facts and circumstances of the case particularly that there seems to be the land dispute and the petitioner is co-villager, and even though, there are allegations of indiscriminate firing, but no injury has been alleged to anyone, as also that the petitioner has got no criminal antecedent, in the event of his arrest/surrender before the court below within four weeks, let the above named petitioner be enlarged on bail on furnishing bail bonds of Rs. 15,000/- (fifteen thousand only) with two



sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Madhepura, in connection with Madhepura P.S. Case No. 753/2017, subject to condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J.)

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