

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25123 of 2019

Arising Out of PS. Case No.-39 Year-2018 Thana- GRIYAK District- Nalanda

UPENDRA YADAV Son of Late Baso Yadav Resident of Village - Satauna,
P.S.- Giriyak, Dist.- Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dineshwar Prasad Singh

For the Opposite Party/s : Mr.Amitesh Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

6 13-09-2019 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application, for grant of anticipatory bail, arises out of Giriyak Police Station Case No. 39 of 2018, disclosing offences under Sections 147/148/149/323/307/504 of the Indian Penal Code and Section 27 of the Arms Act.

The allegation against the petitioner, as per the First Information Report, is that the petitioner fired from his rifle upon the informant, which caused scratch injury near the nose and mouth of the informant.

Learned Counsel appearing on behalf of the petitioner submits that the petitioner has falsely been implicated in this case inasmuch as there is land dispute between the parties and there is case and counter case between the parties inasmuch as



Giriyak Police Station Case No. 40 of 2018 has been lodged by the side of the petitioner against the informant and others. He further submits that injury caused to the informant has been found to be simple in nature by hard and blunt substance; whereas the allegation is that the petitioner fired upon the informant, causing him injury.

Learned Additional Public Prosecutor, referring to the case diary, submits that the doctor has found the injury on the informant as simple in nature, caused by hard and blunt substance and no fire arm injury has been found on the person of the informant.

After having heard learned Counsel for the parties and taking into consideration the fact that both the parties are agnates, there is land dispute between them, there is case and counter case and the injury caused to the informant is simple in nature by hard and blunt substance; whereas the allegation is that the petitioner fired upon the informant by his rifle, I am inclined to grant the petitioner privilege of anticipatory bail. Accordingly, this application is allowed.

Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Nalanda, at Biharsharif, in connection with Giriyak Police Station Case No. 39 of 2018, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

Prabhakar Anand/-

(Anil Kumar Sinha, J.)

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