

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50162 of 2019

Arising Out of PS. Case No.-199 Year-2019 Thana- HILSA District- Nalanda

1. NAGENDRA YADAV, aged about 52 years (Male), son of Madan Prasad Resident of Village- Chamarbiga, Police Station- Hilsa, District- Nalanda.
2. Pradum Kumar @ Pradam Kumar, aged about 21 years, Male, S/O Akhilesh Prasad Resident of Village- Sandh Bigha, Police Station- Karai Parsurai, District- Nalanda.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr.Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s :	Mr.Umesh Lal Verma, A.P.P.
For the Informant :	Mr. Rajan Ghoshware, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

The petitioners are seeking anticipatory bail in connection with Hilsa P.S. Case No. 199/2019 registered under Sections 147, 148, 149, 323, 307, 447, 504, 506 of the Indian Penal Code and Section 27 of Arms Act.

It is the prosecution case that on the order given by petitioner no. 1, co-accused Lalan Kumar had fired from his pistol. Another co-accused Raj Ballav Yadav had also fired. The firing done by Lalan Kumar caused injury on the left leg of the cousin sister of the informant whereas the fire



shot by Raj Ballav Yadav hit the left leg of the sister of the informant. It is then alleged that these two petitioners had also fired from their pistol but that did not hit anybody and went unhurt.

Learned counsel for the petitioners submits that petitioner no. 1 is the father-in-law of the co-accused Lalan Kumar. There is a prior enmity between Lalan Kumar and the informant in this case over a land dispute. There is also counter case which was in fact lodged prior to the present case and in the counter case a different version of the story has been given. It is submitted that in fact it is the informant side who had assaulted the petitioners' side and had caused injury upon petitioner no. 2.

It is further submitted that the injury of Puja Kumari has not been caused by any fire-arm, and, therefore, the whole allegation of giving order to fire and the firing done by other accused are not substantiated from the injury report of the informant.

Learned counsel for the informant and the State have opposed the prayer for anticipatory bail of the petitioners.



In the given facts and circumstances of the case wherein the allegation that on the order of petitioner no. 1, Lalan Kumar had fired from his pistol and that had hit the cousin sister of the informant namely Puja Kumari is not substantiated from the injury report and further that allegedly shot fired by these petitioners did not hit anybody, let the above-named petitioners, in the event of their arrest/surrender before the court below within a period of four weeks, be enlarged on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Hilsa (Nalanda), in connection with Hilsa P.S. Case No. 199 of 2019, subject to condition prescribed under Section 438(2) of the Code of Criminal Procedure.

(Rajeev Ranjan Prasad, J)

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