

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53227 of 2019

Arising Out of PS. Case No.-332 Year-2018 Thana- BAHERA District- Darbhanga

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Ganpat Yadav, Gender – Male, aged about 40 years, S/o Amiri Lal Yadav, R/o village- Malol, P.S.- Bahera, District- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Advocate

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-11-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Bahera P.S. Case No. 332 of 2018 registered for the offences punishable under Sections 341, 323, 337, 324, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case in brief is that on 15.07.2018 at about 11.00 A.M. in the morning, the informant was tethering his buffalo to a post. At that moment, Om Kumar Yadav hurled a brick on informant's brother Guddu Yadav which hit his leg. Thereafter, Ganpat Yadav and Amir Lal Yadav caught hold of the informant and upon the order of Amir Lal accused Ganpat Yadav shot at the informant from his country made pistol which struck him in the stomach and as a consequence of which he fell



down and was rushed to Public Health Centre, Bahera for treatment. From there, he was referred to D.M.C.H., Darbhanga. The statement of the informant was recorded. The land dispute is said to be the motive behind the occurrence.

Learned counsel for the petitioner submits that there is land dispute between the petitioner and the informant. He further submits that the family of the informant has ever been trying to forcibly occupy the land of the family of the accused persons and in order to put pressure on the family, the present case has been contrived. Learned counsel for the petitioner further submits that the father and brother has also been made accused in the present case. Learned counsel for the petitioner further submits that the petitioner is in jail custody since 08.11.2018 and he further submits that the petitioner has no any criminal antecedent mentioned in paragra-3 of the bail petition. He further submits that the charge sheet has been submitted against the petitioner and investigation is going on against the other accused persons, who are not named in the F.I.R. He further submits that there is no allegation against the petitioner to tamper with the evidence.

In the facts and circumstances of the case, let the petitioner above named 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 ADJ II, Benipur, Darbhanga in connection with Bahera P.S. Case No. 332 of 2018, subject to the following conditions :

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned Court below for cancellation of his bail bonds.

(Anjani Kumar Sharan, J)

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