

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74956 of 2019

Arising Out of PS. Case No.-75 Year-2019 Thana- BASANHI District- Saharsa

1. Pankaj Yadav @ Pankaj Kumar, (Male) , aged about 25 years , male , son of Amol Yadav
 2. Amol Yadav, (Male) , aged about 30 years
 3. Sanjan Yadav @ Sanjan Kumar, (Male) , aged about 45 years, Both sons of Late Prameshwari Yadav
 4. Nitish Yadav @ Nitish Kumar, (Male) , aged about 16 years
 5. Ram Pravesh Yadav @ Rampravesh Kumar , (Male), aged about 18 years, Both Sons of Sanjan Yadav @ Sanjan Kumar
- All residents of village: Tamkulha, P.S.: Basnahi, District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 18-12-2019 Learned counsel for the petitioners informs that during the pendency of this petition petitioner no. 1 has already been arrested, as such, this application is accordingly dismissed as infructuous against the petitioner no. 1 namely, Pankaj Yadav @ Pankaj Kumar.

So far petitioner nos. 2, 3, 4 and 5 are concerned, they apprehend their arrest in connection with Basnahi P.S. Case No. 75 of 2019 registered for the offences punishable under Section 504 / 34 of the Indian Penal Code, 1860 read with Section 27 of the Arms Act.



The allegation against the petitioners is that petitioners along with other accused persons were raising construction over the land of the informant and when the informant objected, the petitioners along with other accused persons on the order of petitioner no. 2 started firing indiscriminately causing injury near the nose of the cow of the informant.

Ms. Rashmi Jha, learned counsel for the petitioners submits that petitioners have not committed any offence in the manner alleged, both the parties are co - sharers and there is land dispute in between them. Learned counsel further submits that civil litigation is pending in between the parties from before. Learned counsel further submits that no fire arm injury has been caused to the informant and others.

On the other hand, Mr. Rajiv Ranjan, learned counsel appearing for the informant vehemently opposes the prayer for anticipatory bail and submits that allegation in the First Information Report against the petitioners is of firing indiscriminately, and as such, they do not deserve the privilege of anticipatory bail.

Having heard learned counsel for the parties and taking into consideration the fact that allegation is general and



omnibus in nature, both the parties are co-sharers, there is land dispute in between them and no person has sustained any fire arm injury, I am inclined to grant anticipatory bail to the petitioners.

Accordingly, let the petitioner nos. 2, 3, 4 and 5 namely, Amol Yadav, Sanjan Yadav @ Sanjan Kumar, Nitish Yadav @ Nitish Kumar and Ram Pravesch Yadav @ Rampravesch Kumar in the event of their arrest or surrender before the court below within four weeks from the date of receipt of a copy of this order, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-III, Saharsa in connection with Basnahi P.S. Case No. 75 of 2019 , subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

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