

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83785 of 2019

Arising Out of PS. Case No.-277 Year-2019 Thana- BAKHTIYARPUR District- Patna

1. Arbind Yadav, Son of Sri Arjun Singh, Resident of Village-Mustafapur, P.S.-Telmar, District-Nalanda.
2. Dharo Yadav, Son of Sri Arjun Singh, Resident of Village-Mustafapur, P.S.-Telmar, District-Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Babita Kumari

For the Opposite Party/s : Mrs.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioners, learned counsel for the informant and learned APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 147, 148, 149, 307, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case as per the fardbeyan of Ramdhyan Yadav recorded by S.I. Dilip Chauhan of Bakhtiyarpur Police Station on 24.08.2019 at 4.00 P.M., is to the effect that on 24.08.2019 at 1.30 P.M., the informant along his brother, Naresh Yadav, Akhilesh Yadav (deceased), Surendra Yadav and nephew Lallu Kumar and Ranjit Kumar was doing



plantation in his land , in the meantime, co-villager Dinesh Yadav came with licenced rifle along with Umesh Yadav, who was armed with rifle, when Mahesh Yadav armed with country made pistol and Arvind Yadav and Dharo Yadav, i.e., the petitioners were also armed with country made pistol and all of them started discriminate firing. It is specifically alleged that Dinesh Yadav fired at Akhilesh Yadav causing injury on his face. It is also alleged that the victim also named Dinesh Yadav to have fired upon them.

It is submitted by learned counsel for the petitioners that in the background of land dispute, the accusation has been levelled against the petitioners. There is specific accusation of firing by co-accused Dinesh Yadav and corroborative injury has been found on the victim. A statement has been made in paragraph 3 of the petition that petitioner no. 1 is accused in one another case but he is on bail in that case and petitioner no. 2 is not having any criminal antecedent.

Learned counsel for the informant submits that all the accused persons including the petitioners came variously armed though it is admitted fact that the firing made by co-accused Dinesh Yadav hit the victim.

Learned APP submits that the petitioners are also



members of unlawful assembly and they were armed with county made pistol.

Considering the fact that the specific accusation of firing is only against co-accused Dinesh Yadav and said corresponding injury has been found on the body of the victim, let the above named petitioners be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-1st, Barh, Patna in connection with Bakhtiyarpur P.S. Case No. 277 of 2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

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